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W.P. No.17054 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2022

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. No.17054 of 2022

and

W.M.P.No. 16358 of 2022

P. Sakthivel

... Petitioner

Vs.

1. The Additional Chief Secretary to Government,
Municipal Administration & Water Supply Department,
Fort St. George, Chennai – 600 009.
2. The Commissioner of Municipal Administration,
Urban Administration Buildings,
M.R.C. Nagar, Chennai – 600 028.
3. The Commissioner,
Tiruppur Corporation,
Tiruppur.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of certiorarified mandamus, calling for the records in pursuant to the first impugned order of punishment of removal from service issued by the third respondent in proceedings Na.Ka.No.C2/2914/2014 dated 21.09.2017 and the second impugned order issued by the third respondent in proceedings Na.Ka.No.C2/2914/2014 dated 27.09.2021 and to quash these orders and consequently direct the respondents to reinstate the petitioner with all consequential service and monetary benefits and to pass orders.



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For Respondents : Mr. E. Veda Bagath Singh
Special Government Pleader
for R1 and R2
M/s. P. Shanthi,
Senior Counsel for R3

ORDER

This writ petition is filed for the issuance of a writ of certiorarified mandamus, calling for the records in pursuant to the first impugned order of punishment of removal from service issued by the third respondent in proceedings Na.Ka.No.C2/2914/2014 dated 21.09.2017 and the second impugned order issued by the third respondent in proceedings Na.Ka.No.C2/2914/2014 dated 27.09.2021 and to quash these orders and consequently direct the respondents to reinstate the petitioner with all consequential service and monetary benefits and to pass orders.

2. According to the petitioner, as per Rule 12 of the Coimbatore Corporation Service (Discipline & Appeal) Rules, 1986, the Appeal has to be made before the Appellate Committee. The said committee comprises of Commissioner and other members. He further stated that the terms of the members of Tirupur Municipal Corporation ended in August 2016 and the Commissioner of Tirupur Corporation was designated as the Special Officer of



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the Tirupur Corporation and the Special Officer has powers to perform all the function of the Corporation council, including the functions of the Appeals Committee. Since his punishment of removal from service has been imposed by the Commissioner/second respondent, submitting his appeal to the Appeal committee would be submitting to the same authority, who had imposed the punishment to the petitioner. Therefore, he has not challenged before the Appellate Committee. Now, according to the petitioner, a new appeal committee has been constituted under the Act.

In the light of the above, this Court is not inclined to entertain the writ petition. However, liberty is granted to the petitioner to approach the appellate committee for seeking his relief in the manner known to law. Therefore, the writ petition stands dismissed. The Registry is directed to return the original orders to the petitioner. No costs. Consequently, connected miscellaneous petition is closed.

05.07.2022

Index : Yes / No
Internet : Yes/ No
mrn



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To

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M.R.C. Nagar, Chennai – 600 028.
3. The Commissioner,
Tiruppur Corporation,
Tiruppur.



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D.KRISHNAKUMAR, J.

(mrn)

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