



W.P.No.7561 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2022

Coram

The Hon'ble Mr. Justice **V.PARTHIBAN**

W.P.No.7561 of 2014
& W.M.P.Nos.1 of 2014, 10225 & 10226 of 2017

B.Bharathi

...Petitioner

Vs.

1.The Secretary

Department for Higher Education,
Ministry of Human Resources and Development,
Government of India,
(Representing President of India (Appellate Authority))
Shastri Bhavan, New Delhi - 110 001.

2.The Joint Secretary (Education 1),

(Representing the Lieutenant Governor /
Disciplinary Authority), Chief Secretariat (Edn),
Government of Puducherry,
Puducherry - 605 001.

3.The Chief Secretary,

(Representing Government of Puducherry)
Government of Puducherry,
Chief Secretariat,
Puducherry - 605 001.

4.The Secretary for Education,

Chief Secretariat (Edn),
Government of Puducherry,
Puducherry - 605 001.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India
praying to issue a writ of Certiorarified Mandamus, calling for the
records on the file of the second respondent relating to order



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No.13348/CS(Edn)/E4/2000, Chief Secretariat (Education), Government of Puducherry, dated 17.10.2007 and quash the same and direct the second, third and fourth respondents to release the increments, all monetary and service benefits to the petitioner with penal interest before his retirement i.e., July 2014 and consequentially direct the first, second and third respondents who are representing Government of India, Lieutenant Governor of Puducherry / Disciplinary Authority and Government of Puducherry respectively to pay a compensation of not less than Rupees Two Crores to the petitioner for the harassment, mental agony, denial of this right to appeal and fundamental rights, subjecting the petitioner to discrimination.

For Petitioner .. Mr.B.Bharathi (Party in Person)

For Respondents .. Mr.T.L.Thirumalaisang
Central Government Counsel
(for R.1)
Mr.Syed Mustafa, Spl.G.P.
(R.2 to R.4)

ORDER

The Writ Petition has been filed seeking to call for the records on the file of the second respondent relating to order No.13348/CS(Edn)/E4/2000, Chief Secretariat (Education), Government of Puducherry, dated 17.10.2007 and quash the same and direct the second, third and fourth respondents to release the increments, all monetary and service benefits to the petitioner with penal interest before his retirement i.e., July 2014 and consequentially direct the first, second and third respondents who



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are representing Government of India, Lieutenant Governor of Puducherry / Disciplinary Authority and Government of Puducherry respectively to pay a compensation of not less than Rupees Two Crores to the petitioner for the harassment, mental agony, denial of this right to appeal and fundamental rights, subjecting the petitioner to discrimination.

2. When the matter is taken up for hearing, the party in person appeared. On behalf of the respondents 2 to 4, Mr. Syed Mustafa, learned Special Government Pleader appeared and would submit that the present writ petition is not maintainable as the same party in person had approached the Central Administrative Tribunal, Madras Bench, seeking to quash the very same impugned order, which is the subject matter of challenge herein as he is amenable to the jurisdiction of the Central Administrative Tribunal.

3. The learned counsel would draw the attention of this Court to O.A.No.904 of 1987. The learned Tribunal vide its order dated 14.12.2007 disposed of the Original Application challenging the very same order dated 17.10.2007 by directing the respondent therein to dispose of the appeal filed by the petitioner herein. For the very same relief, the petitioner has filed the present writ petition before



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this Court. The reasons stated by the petitioner herein is that the Tribunal order has not been complied with and therefore, he has chosen to approach this Court.

4.The petitioner being a Central Government servant, cannot approach this Court directly by filing the present Writ Petition. The proper and the only remedy for him at the first instance is to approach Central Administrative Tribunal in terms of the Administrative Tribunal Act, 1985. The petitioner herein who has rightly chosen to approach the Tribunal in the aforementioned O.A., has strangely approached this Court in respect of the same relief in this writ petition which was the subject matter of relief that was prayed for in the said O.A.

5.The petitioner, instead of pursuing his further course of action before the Tribunal has now filed the present Writ petition. The fact that the petitioner being a Central Government servant is not entitled to approach this Court in the face of the remedy being available under the Administrative Tribunal Act, 1985 before the Tribunal. Therefore, the Writ Petition filed by the petitioner is gross abuse of process of the Court which ought to have been dismissed with exemplary cost but considering the fact that the petitioner has



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approached this Court as party in person, this Court is refraining from imposing any cost.

6. Accordingly, the Writ Petition is dismissed as not maintainable. No costs. Consequently the connected miscellaneous petitions are closed.

23.02.2022

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Index:Yes/No

Internet:Yes

To

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