



W.P.(MD)No.4996 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.4996 of 2020

and

W.M.P.(MD)No. 4362 of 2020

M.Baskaran

... Petitioner

Vs.

1.The Chairman

Appeal Committee,
Madurai City Municipal Corporation,
Madurai.

2.The Commissioner

Madurai City Municipal Corporation,
Madurai

3.The Assistant Commissioner,

(Personnel) (In-charge),
Madurai City Municipal Corporation,
Madurai.

4.The Enquiry Officer / Assistant Commissioner

Revenue (In-charge),
Madurai City Municipal Corporation,
Madurai.

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the order of the 2nd respondent dated 09.01.2020 in his reference k/ep.18/002111/2015 communicating the rejection of appeal by the 1st respondent, confirming the order dated 23.03.2019 passed by the 2nd respondent in his reference k/ep.18/002111/15 removing the petitioner from service and quash the same and direct the respondents 1 and 2 to reinstate the petitioner into service with back wages and attendant benefits.

For Petitioner : Mr. D.Malaichamy

For Respondents : Mr.R.Murali
Standing counsel

ORDER

This writ petition has been filed to quash the order of the 2nd respondent dated 09.01.2020 in his reference k/ep.18/002111/2015 communicating the rejection of appeal by the 1st respondent, confirming the



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order, dated 23.03.2019 passed by the 2nd respondent in his reference k/ep.

18/002111/15 removing the petitioner from service and direct the respondents 1 and 2 to reinstate the petitioner into service with back wages and attendant benefits.

2. The learned counsel for the petitioner would submit that the petitioner for his alleged unauthorised absence, disciplinary action taken by disciplinary authority and passed a major punishment of removal from service. Against which, the petitioner preferred an appeal before the Appellate Committee. The Appellate Committee has also confirmed the order passed by the Original Authority. Challenging the concurrent findings, the petitioner filed this writ petition. However, the learned counsel for the petitioner would further submit that this Court may issue a direction to the petitioner to file a revision petition before the Revision Authority in terms of Rule 23 of Madurai Corporation (Discipline and Appeal) Rules, 1975, within a time limit.



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3. Considering the limited scope of the prayer made by the learned counsel for the petitioner, this Court without going into the merits of the matter, this Court permits the petitioner to file a revision petition in terms of Rule 23 of Madurai Corporation (Discipline and Appeal) Rules, 1975, within a period of two weeks from the date of receipt of copy of this order. If such revision is filed, the Revision Authority is directed to dispose of the same as early as possible. The period pending before this Court excluded for the period of limitation.

4. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Registry is directed to return the original papers to the petitioner to work out his remedy in the manner known to law.

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Index : Yes / No
Speaking Order : Yes / No
RM



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M.DHANDAPANI,J.

RM

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