



W.P(MD)No.21070 of 2022

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 07.09.2022

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.21070 of 2022

and

W.M.P.(MD)Nos.15303 and 15304 of 2022

M.Immanuel Gnanasekaran

... Petitioner

Vs

1.The District Collector,  
Madurai District,  
Madurai.

2.The Commissioner of Tribunal  
for Disciplinary Proceedings,  
5/1B, Vinayaga Nagar,  
K.K.Nagar, Madurai – 20.

... Respondents

**Prayer :** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 2<sup>nd</sup> Respondent in his proceedings in Na.Ka.No.01/A2/2022 dated 08.07.2022 and quash the same and consequently directing the 2<sup>nd</sup> respondent to regulate the petitioner's service benefits with continuity of service, monetary benefits.



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For Petitioner : Mr.A.Raja

For Respondents : Mr.A.K.Manikkam,  
Spl. Government Pleader.

### **ORDER**

Heard the learned counsel on either side.

2.The writ petitioner is employed as office assistant. When he was posted in the office of the second respondent, he allegedly teased a woman who was passing by. That led to the issuance of the impugned order. By the impugned order, the petitioner had been relived from his responsibility. Questioning the same, the present writ petition has been filed.

3.The learned counsel for the petitioner contended that the impugned order is stigmatic and that such an order could not have been passed without holding an enquiry. The said contention is well founded. However, the petitioner has not really suffered any prejudice. He has been posted in the very same rank in the office of Tahsildar, Madurai South. A copy of the order dated 19.07.2022 posting the writ petitioner as office assistant in the office of the Tashildar, Madurai South is now served on the learned counsel for the writ petitioner. It is for the writ petitioner to join in the transferred place



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immediately. The learned counsel for the petitioner would complaint that the transfer order was never served on him. Be that as it may, the order impugned in this writ petition will not be put against the writ petitioner. In other words, it will be treated as order simpliciter relieving him. Of course, if any criminal case is registered against the petitioner, then of course the hands of the authorities cannot be tied. I only clarify that based on the order impugned in this writ petition, no adverse action will be taken against the writ petitioner.

4.The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

**07.09.2022**

Index : Yes / No

Internet : Yes/ No

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***Issue order copy on 08.09.2022.***

To:

1.The District Collector,  
Madurai District,  
Madurai.

2.The Commissioner of Tribunal  
for Disciplinary Proceedings,  
5/1B, Vinayaga Nagar,  
K.K.Nagar, Madurai – 20.



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**G.R.SWAMINATHAN, J.**

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