



**W.P.(MD)No.27809 of 2022**

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

**DATED:09.12.2022**

**CORAM:**

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**W.P.(MD)No.27809 of 2022**

**and**

**W.M.P(MD)Nos.21908 and 21910 of 2022**

N.Aboorthahir

... Petitioner

**Vs.**

1.The District Collector,  
Kanyakumari District,  
Kanyakumari.

2.The Sub-Collector,  
Badmanabapuram,  
Kanyakumari District.

... Respondents

**Prayer:**Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Ceriorarified Mandamus, calling for the records relating to the impugned order passed by the first respondent in his proceedings in Na.Ka.A3/8103/2020, dated 18.11.2021 and quash the same as illegal and consequently, direct the respondents to reinstate the petitioner in service within the period that may be stipulated by this Court.



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|-----------------|------------------------------------------------------------|
| For Petitioner  | : Mr.C.Venkatesh Kumar for<br>M/s.Ajmal Associates         |
| For Respondents | : Mrs.K.Christy Theboral,<br>Additional Government Pleader |

### **ORDER**

This writ petition has been filed by the petitioner challenging the termination order passed by the first respondent in his proceedings in Na.Ka.A3/8103/2020, dated 18.11.2021.

2. The case of the petitioner is that he is a disabled person and his disability is assessed as 50%. He was initially appointed as Senior Revenue Inspector, Vilavancode Taluk Office, Kuzhithurai, Kanyakumri District on 03.06.2020 through direct recruitment in pursuant to the TNPSC Group – II 2018 notification. Prior to his recruitment, at his young age, he served as an office bearer of Popular Front of India in Kanniyakumari District and he participated in some agitations and for that, a case in Crime No.566 of 2013 was registered against the petitioner for the offence under Sections 147, 448, 294(b), 353, 427 and 506(i) I.P.C. Hence, after joining duty, disciplinary proceedings was initiated



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against the petitioner stating that the petitioner suppressed the criminal case pending against him. Thereafter, without providing any opportunity to the petitioner, he was terminated from service during his probation period. Challenging the same the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that though there was an alternative appeal remedy available before the appellate authority, the petitioner has filed this writ petition only on the ground that there is violation of principles of natural justice. He would further submit that no opportunity was provided to the petitioner and without furnishing the enquiry report, the termination order was passed and therefore, the impugned termination order may be set aside and the matter may be remanded back to the Disciplinary Authority for passing fresh orders and prayed for appropriate orders.

4. Heard the learned Additional Government Pleader on the above submissions.



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5. Admittedly, the petitioner entered into Group-II Service and after entering service, during the probation period, the respondents received a compliant against the petitioner and thereafter, disciplinary proceedings was initiated stating that the petitioner was an office bearer in Popular Front of India in Kanniyakumari District and he participated in the agitation for removal of TASMACH shop and for that, a case in Crime No.566 of 2013 was registered against the petitioner for the offence under Sections 147, 448, 294(b), 353, 427 and 506(i) I.P.C., and the same is pending before the learned Judicial Magistrate No.I, Padmanabapuram and the petitioner did not disclose the criminal case pending against him at the time of entering into service even in his application and thereafter, the disciplinary proceedings was ended in removal from service.

6. Admittedly, the petitioner is having effective alternative remedy and therefore, on that sole ground, without going into the merits of the matter, this writ petition is dismissed. However, liberty is hereby granted to the petitioner to prefer an appeal before the appellate authority. If any



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appeal is filed by the petitioner, the appellate authority without being influenced by the observations made by this Court in this order, shall independently deal with the appeal and pass appropriate orders in accordance with law and the period during which the writ petition was pending before this Court may be excluded for the purpose of limitation. No Costs. Consequently, connected miscellaneous petitions are closed.

**09.12.2022**

pm  
Index:Yes/No

To

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Kanyakumari District,  
Kanyakumari.
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**M.DHANDAPANI,J.**

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