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W.P.No. 8563 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

**W.P. No. 8563 of 2023
and
W.M.P. No.8749 of 2023**

M. Murugan

... Petitioner

-VS-

1.The Commissioner of Rural Development and
Panchayat Raj Department,
Panagal Maaligai,
Saidapet, Chennai – 600 015.

2.The District Collector,
Erode District, Erode.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus directing the 1st Respondent to pass appropriate orders on the Statutory Appeal Petition submitted by the Petitioner dated 05.01.2023.

For Petitioner

: Mr. T.Ranganathan

For Respondents

: Mrs. P.Anitha
Special Government Pleader



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ORDER

Heard Mr. T.Ranganathan, Learned Counsel for the Petitioner and Mrs. R.Anitha, Learned Special Government Pleader takes notice for the First and Second Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The grievance ventilated by the Petitioner is that he had preferred an appeal dated 05.01.2023 under Rule 19 of the Tamil Nadu Civil Service (Discipline and Appeal) Rules, 1955 (hereinafter referred to as 'the Rules' for short), against the Order in Na. Ka. No. 227097/2017/Estt.2 dated 22.12.2022 passed by the Second Respondent removing him from service under Section 17(b) of the Rules, but as it did not evoke any response, he has filed this Writ Petition.

3. Having regard to the limited nature of relief sought, this Court without expressing any view on the correctness or entitlement of the claim made by the Petitioner, passes the following order:-

- (i) the concerned authority shall immediately examine the appeal dated 05.01.2023 preferred by the Petitioner including ascertaining as to whether the Petitioner would be entitled for the relief claimed;



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(ii) if it is found that any other details or supporting documents is necessary,

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the deficiencies in that regard shall be informed in writing to the

Petitioner requiring the same to be furnished within a time frame of not less than 15 days for the same;

(iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner and all other persons concerned to explain their position in that regard;

(iv) a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated by 31.08.2023 under written acknowledgment; and

(v) the report of such compliance shall be filed before the Registrar (Judicial) of this Court.

In fine, the Writ Petition is disposed on the aforesaid terms. Consequently, connected Miscellaneous Petition is closed. No costs.

20.03.2023

Sgl

Index: Yes/No

Note: Issue order copy by 02.06.2023.



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Saidapet, Chennai – 600 015.

2.The District Collector,
Erode District, Erode.

Copy to

The Registrar (Judicial),
Madras High Court,
Chennai – 600 104.



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P.D. AUDIKESAVALU, J.

Sgl

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