



WEB COPY



W.P.(MD)No.14298 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.12.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

**AND**

**THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN**

W.P.(MD)No.14298 of 2021

and

W.M.P.(MD)No.11222 of 2021

N.Arul Nangai

... Petitioner

Vs.

1.The Additional Registrar General,  
Madurai Bench of Madras High Court,  
High Court Buildings,  
Madurai-625 023.

2.The Principal District Judge,  
Kanniyakumari at Nagercoil,  
Kanniyakumari District.

3.The 1<sup>st</sup> Additional District Munsif,  
Nagercoil,  
Kanniyakumari

...Respondents

*[RI given up vide order dated 13.08.2021]*

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records on the file of the second respondent in Roc.No.133/2021-A2 dated 19.07.2021 and quash the same as illegal, incompetent and without jurisdiction.



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For Petitioner : Mr.L.Shaji Chellan  
For R2 and R3 : Mr.D.Sivaraman  
Standing Counsel

### **ORDER**

(Order of the Court was made by ***S.M.SUBRAMANIAM, J.***)

The order of the learned Principal District Judge, Kanyakumari at Nagercoil appointing an Executive Officer to conduct enquiry proceedings against the petitioner is under challenge in the present writ proceedings.

2.The petitioner is currently serving as an Assistant Director in the Agricultural Department. Admittedly, the petitioner joined in the department of Agricultural in the year 2006. Prior to that, he was working as Junior Assistant in the Judicial Department. The Judicial Department relived the petitioner in the year 2006 and permitted the petitioner to join in the Agricultural Department.

3.The disciplinary proceedings were initiated after a lapse of 15 years and five months from the date of relieving of the petitioner from the Judicial Department. Such belated actions are untenable in view of the fact that the employee may not be in a position to defend his case before the Enquiry Officer. More so, as on the date of appointment of the Enquiry Officer, the petitioner was



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not an employee of the judicial department. Once an employee has been relieved from the Judicial Department, the employer-employee relationship does not exist.

That being the factum, this writ petition is to be considered.

4. Accordingly, the impugned order of the learned Principal District Judge, Kanyakumari in proceedings Roc.No.133/2021-A2 dated 19.07.2021 is quashed and this writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

**(S.M.S., J.) & (V.L.N., J.)**  
**06.12.2023**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No  
ta

To

1. The Principal District Judge,  
Kanniyakumari at Nagercoil,  
Kanniyakumari District.
2. The 1<sup>st</sup> Additional District Munsif,  
Nagercoil,  
Kanniyakumari



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**S.M.SUBRAMANIAM, J.**

**AND**

**V.LAKSHMINARAYANAN, J.**

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