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W.P.(MD)NO.15637 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 30.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.15637 of 2023

Vengudusamy

... Petitioner

Vs.

1. The Commissioner of Municipal Administration,
Ezhilagam, Chepauk,
Chennai – 600 005.

2. The Commissioner,
Dindigul Corporation,
Dindigul.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned orders passed by the 2nd respondent in Na.Ka. No.12260/2017/H2 dated 21.01.2022 in as “removed from service” and quash the same as illegal and pass an order directing the respondents to reinstate the petitioner with back wages.

For Petitioner : Mr.S.Sarvagan Prabhu

For R-1 : Mr.G.Suriyananth,
Additional Government Pleader.

For R-2 : Mr.M.Thirunavukkarasu,
Standing Counsel.

* * *



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ORDER

Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the first respondent and the learned standing counsel appearing for Dindigul Corporation.

2. The petitioner was working as Sanitary Worker. He was removed from service on 21.01.2022 by the second respondent. Challenging the same, this writ petition came to be filed.

3. I made it clear to the petitioner's counsel that since appeal remedy is available, the writ petition could not be entertained. There upon, the learned counsel submitted that the petitioner is permitted to file an appeal and he only prays that the appeal may be entertained without reference to limitation. Though the learned standing counsel strongly opposes the said request, in the interest of justice, I permit the petitioner to file an appeal before the appellate authority under Sections 11 & 12 of the Coimbatore Corporation



Services (Discipline and Appeal) Rules, 1986 which is applicable to Dindigul Corporation also. If the appeal is filed within two weeks from the date of receipt of a copy of this order, the same shall be entertained without reference to limitation. Final order shall be passed by the appellate authority within a period of four months after receipt of the appeal memorandum. I make it clear that I have not gone into the merits of the matter. The benefit of this order would stand vacated automatically if the appeal memorandum is not filed within the time stipulated above.

4. The Writ Petition is disposed of accordingly. No costs.

30.06.2023

NCS : Yes / No
Index : Yes / No
Internet : Yes/ No

PMU

To:

1. The Commissioner of Municipal Administration,
Ezhilagam, Chepauk,
Chennai – 600 005.
2. The Commissioner,
Dindigul Corporation,



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Dindigul.



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G.R.SWAMINATHAN,J.

PMU

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