



W.P.(MD)No.26559 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MRS.JUSTICE R. KALAIMATHI

W.P.(MD)No.26559 of 2019

and

W.M.P.(MD)No.22926 of 2019

D.Rajasekaran

... Petitioner

Vs.

The Principal District Judge,
Thanjavur (Disciplinary Authority),
Thanjavur District.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari and quash the order of the respondent passed in order in A.No. 133/2016/A1 dated 31.07.2018 and also the consequential order in D.P.A.No. 133/2016/A1 dated 13.11.2019 as arbitrary and illegal.

For Petitioner : Ms.Jegadeeswari
for Mr.K.Baalasundharam

For Respondent : Mr.K.Swamidurai



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ORDER

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

The lis on hand has been instituted challenging the order passed by the Principal District Judge, Thanjavur imposing minor penalty in a disciplinary proceedings.

2.The petitioner was holding the post of Central Nazir at Principal District Court, Thanjavur. On account of certain allegations, the disciplinary proceedings were initiated and the disciplinary authority/learned Principal District Judge accepted the enquiry report submitted by the Enquiry Officer and imposed the minor penalty of stoppage of increment for one year without cumulative effect.

3.The order impugned in this writ petition is an appealable order under Rule 19 The Tamil Nadu Civil Services (Discipline and Appeal) Rules. Admittedly, the petitioner has not preferred any appeal. Exhausting the alternative remedy under the Rules is of paramount importance. The appellate authority is competent to consider the correctness of the findings made by the disciplinary



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authority. Moreso, the right of appeal conferred under the Rules need not be taken away unnecessary.

4.The findings of the original authority and the appellate authority would be of greater assistance to this Court for exercising the power of judicial review conferred under Article 226 of the Constitution of India. Thus, the importance of exhausting the alternative remedy /statutory remedy, at no circumstances, be undermined and the aggrieved persons are expected to exhaust the same and thereafter, approach the Court of law for effective adjudication of issues.

5.In view of the facts and circumstances, the petitioner is at liberty to prefer an appeal before the appellate authority within a period of fifteen days from the date of receipt of a copy of this order. In the event of receiving any such appeal, the same shall be disposed of on merits and in accordance with law within a reasonable period of time.



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6. With the above said observations, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S., J.) & (R.K.M., J.)
03.11.2023

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

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To

The Principal District Judge,
Thanjavur (Disciplinary Authority),
Thanjavur District.



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