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W.P.No.2859 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Writ Petition No.2859 of 2023
and W.M.P.Nos.2976 & 2977 of 2023

M.Chinnaiyan

... Petitioner

Vs.

1. The Commissioner,
Directorate of Town Panchayats
75, Santhome High Road,
Urban Administrative Building,
MRC Nagar, Raja Annamalaipuram,
Chennai – 600 028.

2. The District Collector,
Villupuram District, Villupuram.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order issued by the 2nd respondent in Na.Ka.No.2777/2004/Peru.2 dated 28.03.2022 and to quash the same and consequently to direct the respondents to reinstate the petitioner into service in the post of Junior Assistant in Manalurpettai Town Panchayat, Kallakurichi District with all consequential and other attendant benefits, including payment of salary.



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For Petitioner : Mr.S.Nedunchezhiyan
For Respondents : Mr.P.Kumaresan
Addl. Advocate General – VII
assisted by Ms.R.L.Karthika
Government Advocate

ORDER

This writ petition is filed challenging the impugned order dated 28.03.2022, whereby the punishment of compulsory retirement was imposed against the petitioner.

2. When the matter came up for hearing, Mr.P.Kumaresan, learned Additional Advocate General would submit that simultaneously the petitioner has also filed departmental appeal on 16.05.2022.

3. In reply thereof, Mr.S.Nedunchezhiyan, learned counsel appearing for the petitioner would submit that in this case, the order of punishment is challenged on the ground of violation of principles of natural justice.

4. Though the petitioner can approach this Court directly without availing the efficacious remedy in the event of violation of principles of natural justice, however, once the petitioner has approached the



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Department by filing an appeal, then the petitioner simultaneously could not file a writ petition.

5 In view thereof, this writ petition is disposed of on the following terms:

1. The appeal dated 16.05.2022 filed by the petitioner shall be treated as within time and shall be considered on its own merits and in accordance with law and be disposed of by the first respondent within a period of two(2) months from the date of receipt of a copy of this order.
2. No costs. Connected miscellaneous petitions are closed.

05.06.2024

Neutral Citation: No
mp

To

1. The Commissioner,
Directorate of Town Panchayats
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D.BHARATHA CHAKRAVARTHY, J.

mp

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