



W.P.No.12732 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2024

CORAM

**THE HONOURABLE MS.JUSTICE R.N.MANJULA**

W.P. No.12732 of 2021 and  
W.M.P.Nos.13526 & 13528 of 2021

S.Babu

... Petitioner

Vs.

1. The Tamil Nadu Homeopathy Council,  
Rep. by its Registrar,  
Arignar Anna Government Hospital,  
Indian Medicine Campus,  
Arunmbakkam, Chennai - 600 106.

2. The President,  
The Tamil Nadu Homeopathy Council,  
Rep. by its Registrar,  
Arignar Anna Government Hospital,  
Indian Medicine Campus,  
Arumbakkam, Chennai - 600 106.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings No.58, dated 19.04.2021 of the 2nd Respondent herein, quash the same and consequently direct the Respondents 1 and 2 to forthwith reinstate the petitioner in service as Junior Assistant with all monetary benefits, increments arrears and all other attendant service benefits.



For Petitioner : Mr.S.Nedunchezhiyan  
For Respondents : Mr.J.Saravanel for R1  
No appearance for R2

**ORDER**

The petitioner who is aggrieved due to the impugned order dated 19.04.2021 which imposed punishment of removal from service, has filed this Writ Petition, challenging the same.

2. Heard Mr.S.Nedunchezhiyan, learned counsel for the petitioner and Mr.J.Saravanel, learned counsel appearing for the 1st Respondent.

3. Mr.S.Nedunchezhiyan, learned counsel for the petitioner submitted that the petitioner was issued with a Charge Memo, alleging some mis-conduct on 28.01.2020 and later the same was withdrawn on 07.02.2020. Once again charges have been given on the same set of facts and hence the charges themselves are not maintainable. Without any supporting evidence, the Enquiry officer found the accused guilty and the disciplinary authority has also agreed with the enquiry report on the same set of facts.

4. Mr.J.Saravanel, learned counsel appearing for the 1st



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Respondent submitted that the earlier charges framed against the petitioner on 28.01.2020 was withdrawn without prejudice to issue a separate memo and to proceed against him on the same charges and any additional charges that might be framed in the future. Accordingly the original charges along with four more charges have been framed against the petitioner and he was given with the charge memo later. Apart from that, the petitioner is also involved in sexual harassment and for which the Internal Complaints Committee has conducted an enquiry and the guilty of the petitioner was proved. After taking into consideration of the seriousness of the misconduct like the sexual harassment, the disciplinary authority has accepted the report of the Enquiry Officer and imposed the punishment of removal from service. The petitioner did not challenge the order despite he has statutory remedy before the appellate authority. As he had directly approached the High Court, the present Writ Petition is not maintainable.

5. Since the petitioner has not exhausted the appeal remedy, I feel no observation could be made in this Writ Petition before availing the said opportunity before the appropriate forum. Hence, the petitioner is at liberty



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to exhaust the appeal remedy by way of preferring an appeal before the appropriate authority along with the petition to condone the delay, if any.

**6.** With the above observations, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

**22.02.2024**

Index: Yes / No  
Speaking order / Non-speaking order  
vum

To:

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**R.N.MANJULA ,J.**

vum



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