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W.P.No.18801 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2024

CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE C.KUMARAPPAN

W.P.No.18801 of 2024

N.Subashini

... Petitioner

Vs.

1. The Secretary to Government,
Home (Court-V) Department,
Fort St.George,
Chennai - 9.
 2. The Registrar General,
High Court of Madras,
Chennai - 104.
 3. The Hon'ble Principal District and Sessions Judge,
Cuddalore District,
Cuddalore.
 4. The District Munsif-cum-Judicial Magistrar (FAC),
Kurinjpadi,
Cuddalore District,
Cudalore.
- ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to



W.P.No.18801 of 2024

issue a writ of Mandamus, directing the third respondent namely, the learned Principal District and Sessions Judge, Cuddalore, to consider and pass orders in the review application submitted dated 05.03.2020 within a stipulated time.

For Petitioner : Mr.A.G.Rajan

For R1 : Mr.T.Chandrasekaran
Special Government Pleader

ORDER

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

The writ petition has been instituted seeking direction to dispose of the review application submitted by the petitioner before the third respondent on 05.03.2020.

2. Mr.T.Chandrasekaran, learned Special Government Pleader takes notice for the first respondent.

3. Punishment of withholding of increment for one year without cumulative effect was imposed by the learned Principal District and Sessions Judge, Cuddalore District. Against the said punishment order, the petitioner preferred a review application on 05.03.2020. The present writ petition has been filed after a lapse of four years from the date of filing of the review



W.P.No.18801 of 2024

application.

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4. Mr.A.G.Rajan, the learned Counsel appearing on behalf of the petitioner would submit that the writ petition is filed only to dispose of the review application.

5. Even for issuing a direction to consider the representation/review application, the legal right of the applicant is to be established before the Court. In the event of issuing a routine direction by the High Court, there is a possibility of abuse of power both by the litigant and the competent Authorities. Such practices at no circumstances be encouraged. Establishing right is a pre-condition for entertaining a writ petition. In the absence of any legal right, no writ petition is entertainable. Right to appeal is contemplated under the Service Rules. Thus, the petitioner ought to have preferred an appeal before the Registrar General of Madras High Court. Instead, she filed a review application in the year 2020 and filed present writ petition after a lapse of four years with a prayer to dispose of the review application. Such review applications cannot directed to be disposed of, since the petitioner has no right to seek such a direction.



W.P.No.18801 of 2024

6. Issuing such direction would pave way for corrupt activities. The litigants are attempting to workout their remedy through back door methods, which cannot be appreciated by the Courts but to be deprecated. Therefore, casual approach in issuing a direction to consider the representation would result in adverse consequences to the public administration.

7. Such direction to dispose of the application/appeal/review are to be granted only if a legal right is established and the Authorities have not entertained such applications/appeal/review petitions in accordance with the rules in force.

8. In view of the the facts and circumstances, the petitioner has not established any legal right for issuing a direction to dispose of the review application. The petitioner ought to have preferred an appeal within the time limit as contemplated under the Service Rules. If any appeal has already been filed by the petitioner, then the petitioner is at liberty to pursue the same in the manner known to law.

9. Accordingly, the Writ Petition stands **dismissed**. There shall be no order as to costs.



W.P.No.18801 of 2024

[S.M.S., J.] [C.K., J.]
15.07.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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W.P.No.18801 of 2024

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W.P.No.18801 of 2024

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