



WEB COPY

W.P.No.25160 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2024

CORAM

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and**

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.No.25160 of 2022

S.Gunasekaran

... Petitioner

Vs.

1. The Registrar General,
High Court of Judicature at Madras, Chennai – 600 104.
2. The Principal District and Sessions Judge,
The Principal District Court,
Thiruvallore & District.
3. The Enquiry Officer,
Principal District Munsif (FAC),
Thiruvallore & District.
4. The Judicial Magistrate,
Thiruvottriyur, Chennai – 600 019.

... Respondents

Prayer: 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 records of the 2nd Respondent herein bearing (A.No. 5-1/2022) D. No. 2278 / 2022 dated 25.04.2022 and quash the same and direct the Respondents herein to restore the petitioner as Bench Clerk, Grade III and grant the petitioner all other monetary and service benefits.

For Petitioner

: Mrs.A.L.Ganthimathi,
Senior Counsel
for Mr.A.R.Karthik Lakshmanan



For Respondents : Mr.S.Giridharan

ORDER

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

The Writ Petition has been filed for calling for the records relating to the records of the 2nd Respondent herein bearing (A.No. 5-1/2022) D. No. 2278 / 2022 dated 25.04.2022 and quash the same and direct the Respondents herein to restore the petitioner as Bench Clerk, Grade III and grant the petitioner all other monetary and service benefits.

2. The punishment of reduction from Bench Clerk Grade III of Judicial Magistrate No.II Court, Ponneri to Junior Assistant and placing him as the last person in the seniority was awarded to the writ petitioner in the disciplinary proceedings. Charge Memorandum was issued, enquiry was conducted and by following the procedures, the penalty was imposed. That being so, the petitioner has to exhaust the appellate remedy, as contemplated under the Service Rules. Exhausting the appellate remedy is of paramount importance and the aggrieved person need not be denied of such remedy. The appellate authorities are empowered to call for the files and consider the grounds raised by the aggrieved persons in the appeal. Thus, the writ petitioner is at liberty to



prefer an appeal, as contemplated under the Rules before the Registrar General, High Court of Madras. The time limit of three weeks is granted to the petitioner for preferring an appeal.

3. With this liberty, the Writ Petition stands disposed of. No costs.

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

16.02.2024

2/3

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Index : Yes

Speaking order

To

1. The Registrar General,
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Chennai – 600 104.
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The Principal District Court,
Thiruvallore & District.
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S.M.SUBRAMANIAM, J.
and
K.RAJASEKAR, J.

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W.P.No.25160 of 2022

16.02.2024
2/3