



WEB COPY



W.A.No.3050 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.10.2024

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.A.No.3050 of 2024

T.Rajkumar

... Appellant/Petitioner

-VS-

1. The Superintendent of Prison,
Borstal School-cum-District Jail,
Pudukkottai.

2. The Deputy Inspector General of Prison,
Trichy Range, Trichy.

... Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 30.09.2024 made in W.P.No.17744 of 2011.

For Appellant : Mr.R.Sankarasubbu

For Respondents : Mrs.V.Yamunadevi,
Spl. Govt. Pleader

J U D G M E N T

(By D.Krishnakumar,J.,)

This Writ Appeal has been filed, challenging the order dated 30.09.2024 made in W.P.No.17744 of 2011, in and by which, the order of dismissal from service was upheld by the learned Single Judge.



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2. It is the case of the appellant that on account of his mother's ill-health he applied for Casual Leave and thereafter, the said leave was converted into the one of Medical Leave pursuant to deterioration of his health. It is further case of the appellant that when he was about to rejoin duty, he was not permitted to join, rather a charge memo was issued to him for his overstay of leave. Subsequently, he was dismissed from service and when the same was put to challenge before the learned Single Judge on the ground of jurisdictional point of view in issuance of dismissal order, the Writ Petition was dismissed, challenging which, the instant appeal has been preferred before this Court.

3. Learned Special Government Pleader appearing for the respondents contended that the appellant has not preferred any appeal before the concerned authority, namely, R2 herein against his dismissal order and straightaway approached this Court, with a prayer to set aside his dismissal order, which is not acceptable.

4. In view of the above contention, we are of the view that when there is a specific provision to prefer an appeal before the 2nd respondent, the appellant, without exhausting such remedy, cannot invoke the Writ jurisdiction of this Court, which is impermissible. Hence, this Writ Petition is not maintainable before this Court.



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5. At this juncture, learned counsel for the appellant seeks liberty of this Court to move the appropriate Forum.

6. Considering the above, the appellant is directed to prefer an appeal before the 2nd respondent within a period of two weeks from today. If any such appeal is filed, the same shall be considered and order be passed by the 2nd respondent within a period of twelve weeks thereafter, being uninfluenced by any of the observations made by the Writ Court. It is made clear that if no appeal is filed by the appellant within the time stipulated above, there is no impediment for the respondents to proceed further as per law without entertaining the appeal filed beyond the time prescribed herein-above.

7. With the above observations and directions, this Writ Petition is disposed of. No costs.

[D.K.K,J.] [P.B.B,J.]
15.10.2024

Index: Yes / No
Internet: Yes / No
Speaking Order/Non Speaking Order
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D.KRISHNAKUMAR,J.,

AND

P.B.BALAJI,J.,

ar

To:

1. The Superintendent of Prison,
Borstal School-cum-District Jail,
Pudukkottai.
2. The Deputy Inspector General of Prison,
Trichy Range, Trichy.

W.A.No.3050 of 2024

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