



W.P.(MD) No.664 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.664 of 2024
and W.M.P.(MD)Nos.667 and 668 of 2024

C.Palani

... Petitioner

Vs.

1.The Secretary,
Government of Tamil Nadu,
Personnel and Administrative Reforms (N) Department,
St.George Fort,
Chennai.

2.The Registrar General,
High Court of Madras,
Chennai - 600 108.

3.The Principal District Judge,
Kanyakumari at Nagercoil,
Kanyakumari.

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Writ of Certiorarified Mandamus to call for the records pertaining to the Impugned Order in Roc. no.251/2021-A2 dated 27.07.2023 on the file of the respondent no. 3 and the consequential impugned G.O.(Ms) No. 105 Personnel and Administrative Reforms (N) Department dated 01.08.2019 on the file of the respondent no. 1 and to quash the same as illegal and consequentially for a direction, directing the respondents to reinstate the petitioner into service in the post of Senior Bailiff at Additional District Court, Padmanabhapuram within a time stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy
for M/s.Lajapathi Roy and Associates.

For Respondents : Mr.N.GA.Natraj,
Government Advocate for R1
Mr.D.Sivaraman,
Standing Counsel for R2 & R3



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ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned Order in Roc. no. 251/2021-A2 dated 27.07.2023 on the file of the respondent No.3 and the consequential impugned G.O.(Ms) No. 105 Personnel and Administrative Reforms (N) Department dated 01.08.2019, on the file of the respondent No.1 and to quash the same as illegal and consequentially for a direction, directing the respondents to reinstate the petitioner into service in the post of Senior Bailiff at Additional District Court, Padmanabhapuram within a time stipulated by this Court.

2. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.



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3. It is the case of the petitioner that the petitioner joined on 19.02.2007 in the post of Office Assistant by way of employment seniority at the Chief Judicial Magistrate, Nagercoil and thereafter, he was promoted to the post of Bailiff on 04.09.2015 under the Hon'ble Principal District Judge, Kanyakumari at Nagercoil. While that being so, a disciplinary proceedings has been initiated against the petitioner. Following the same, through the impugned order, the respondent has issued punishment order of dismissal from service in the light of G.O.(Ms)No.105, dated 01.08.2019. According to the petitioner, though the demand and acceptance is not proved in the enquiry, based on the report of the Enquiry officer, the third respondent has issued the impugned order and therefore, the same is liable to be set aside.

4. Considering the facts and circumstances of the case, we are of the view that the petitioner is having an efficacious remedy to file an appeal before the second respondent. Without exhausting such remedy, the petitioner has filed this Writ Petition. Hence, this Writ Petition is not maintainable and the same is liable to be dismissed.



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5. Accordingly, this Writ Petition is dismissed with liberty to the petitioner to file an appeal before the second respondent within a period of two weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K., J.] [R.V., J.]

12.01.2024

Neutral Citation: Yes / No
Index : Yes / No
vsm

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