



WP(MD) No.8627 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.04.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.8627 of 2024

and

W.M.P(MD)No.7896 of 2024

S.Mohammed Yusuf

... Petitioner

Vs.

1.The Director of Municipal Administration,
O/o.The Director of Municipal Administration,
Raja Annamalaipuram,
Chennai - 600 028.

2.The Commissioner
Kadayanallur Municipality,
Municipal Office,
Kadayanallur.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records in pursuant to the Impugned Punishment Order passed by the 1st respondent in his proceedings Na.Ka.No. 7844/௫2/2022-1 dated 06.02.2024 and quash the same and consequently direct the respondents to include the name of the petitioner for promotion to the post of Class - IV officers under Tamil Nadu Municipal General Service for the year 2020-2021 and promote him on par with his junior with all attendant and monetary benefits.

For Petitioner : Mr.V.Muthu Kamatchi

For Respondents : Mr.S.Shanmugavel,
Additional Government Pleader

ORDER

The petitioner has filed this Writ Petition challenging the impugned order dated 06.02.2024, wherein, he was imposed



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with the punishment of censure on the basis of certain disciplinary proceedings initiated against him.

2. Heard Mr.V.Muthu Kamatchi, learned counsel for the petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader for the respondents.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

4. The learned counsel for the petitioner submitted that the enquiry proceedings ought to have been completed within a period of six months, but, there is a delay of two years and the petitioner was not given with due opportunity.

5. However, the learned Additional Government Pleader submitted that the petitioner has got an appeal remedy before the



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Government and without exhausting the appeal remedy, he has straight-away filed this Writ Petition.

6. The learned counsel for the petitioner submitted that in the impugned order, nothing was mentioned about the appeal remedy. But that will not preclude the petitioner from availing the appeal remedy, when it is very much available to him.

7. Since, the petitioner has filed this Writ Petition without exhausting efficacious alternate appeal remedy, the petitioner is at liberty to file an appeal before the appellate authority within a period of three weeks from the date of receipt of a copy of this order. He is also at liberty to raise all the contention which he had made in this writ petition and work out his remedy in a manner known to law.



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8. With the above observation, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

04.04.2024

Index : Yes / No

Internet : Yes / No

NCC : Yes / No

RM

Note : Registry is directed to return the original papers to the petitioner, after obtaining xerox copy of the same.

To

1.The Director of Municipal Administration,
O/o.The Director of Municipal Administration,
Raja Annamalaipuram,
Chennai - 600 028.

2.The Commissioner
Kadayanallur Municipality,
Municipal Office,
Kadayanallur.

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R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.8627 of 2024

Dated:
04.04.2024