



W.P(MD)No.13211 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.13211 of 2019 and
WMP(MD) No.9849 of 2019

S.Arulananthu

... Petitioner

Vs

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Special Officer/N.Melayur,
Block Development Officer,
Kallal East Union,
Sivagangai District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the second respondent in his proceedings in Na.Ka.No.B3/947/2019, dated 31.05.2019 quash the same and consequently direct the respondents to reinstate the petitioner into service with all back wages and service benefits.

For Petitioner

: Mr.D.Selvanayagam



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For Respondents : Mr.K.Balasubramani
Special Government Pleader

ORDER

This writ petition has been filed challenging the order of dismissal passed by the Block Development Officer, Kallal East Union, Sivagangai District.

2.The case of the petitioner is that he was appointed as a Panchayat Clerk on 21.02.1997. While he was in service, he was caught red-handed in the trap fixed by the Vigilance and Anti-Corruption Department for the demand and acceptance of bribe amount for a sum of Rs.1,000/- from one of the beneficiary of the Chief Minister Solar Power Green House Scheme for construction of a house. The criminal prosecution initiated as against this petitioner in Spl.CC No.77 of 2014 was ended with a conviction and he was sentenced to undergo a rigorous imprisonment of three years by the learned Special Court for trial of Cases under Prevention of Corruption Act, Sivagangai, based on which, the petitioner was dismissed from service by the order impugned in this writ petition.



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3.Today(19.11.2024), when this writ petition is taken up for hearing, the learned Special Government Pleader appearing for the respondents submits that as against the order of punishment imposed by the Disciplinary authority, the petitioner is having an appeal remedy before the District Collector, Sivagangai/the first respondent. However, without invoking the appeal remedy, which is available in the statute, the petitioner has erroneously filed this writ petition. Therefore, a suitable direction may be issued to the petitioner to approach the appellate authority.

4.Since the petitioner is having an appeal remedy, this writ petition is dismissed with liberty to the petitioner to file a statutory appeal before the Appellate Authority/the first respondent herein, within a period of two weeks from the date of receipt of a copy of this order. In the event, if any such appeal is filed within the time prescribed by this Court, the Appellate Authority/the District Collector, Sivagangai shall entertain the same without insisting on the limitation and endeavour to conclude the appeal proceedings as



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expeditiously as possible. No costs. Consequently, connected

Miscellaneous Petition is closed.

19.11.2024

NCC:Yes/No

Index:Yes

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To

- 1.The District Collector,
Sivagangai District,
Sivagangai.
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Block Development Officer,
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B.PUGALENDHI, J.

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Order made in
W.P(MD)No.13211 of 2019 and
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19.11.2024