



W.P(MD)No.12288 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.06.2024

CORAM :

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

**W.P(MD)No.12288 of 2024
and
WMP(MD)Nos.10900 and 10901 of 2024**

K.Koodammal

... Petitioner

VS.

1. The Appellate Authority / Registrar General,
Madras High Court,
Chennai - 600 104.

2. The Disciplinary Authority /
The Principal District and Sessions Judge,
Srivilliputtur,
Virudhunagar District.

3. The Enquiry Officer / The Principal Subordinate Judge,
Srivilliputtur,
Virudhunagar District.

4. The Subordinate Judge,
Aruppukottai,
Virudhunagar District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India,
to issue a Writ of Certiorarified Mandamus, to call for the entire records



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connected with the impugned order passed by the 2nd respondent in D.No. 3345/Sher.2/2020 dated 17.09.2020 and quash the same and directing the respondents to reinstate the petitioner in service with all attendant monetary benefits without any break in service.

For Petitioner : Mr.K.K.Kannan
For R1 to R4 : Mr.Mahaboob Athiff

ORDER

(Order of the Court was made by **R.SURESH KUMAR, J.**)

Though the order dated 17.09.2020, has been challenged in this writ petition, as per the said order, the petitioner has been removed from service pursuant to a disciplinary proceedings, wherein, charge framed under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, having been enquired, was proved.

2. As against the said order dated 17.09.2020, though belatedly an appeal has been filed before the appellate authority on 24.01.2022, along with the condone delay petition, as there has been considerable delay in filing the said appeal, the appeal is still pending at the condone delay stage itself. In the meanwhile, the petitioner has moved the present writ



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petition, challenging the very same order of the disciplinary authority,
dated 17.09.2020.

3. Heard Mr.K.K.Kannan, learned counsel appearing for the petitioner and Mr.Mahaboob Athiff, learned counsel appearing for the respondents.

4. Since the order impugned herein, has already been appealed before the appellate authority, that is, the 1st respondent, of course, with the condone delay petition, as the appeal has been filed only in January 2022 and the said condone delay petition since has been pending with the appellate authority, that cannot be cited as a reason to approach this Court, by filing the present writ petition challenging the very same order dated 17.09.2020.

5. Therefore, we are inclined to dispose of this writ petition with the following order:

That, there shall be a direction to the 1st respondent / appellate authority to consider the condone delay petition and pass orders thereon on



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merits and in accordance with law. In case, the appellate authority decides to condone the delay, the appeal may be taken up for hearing and disposed of as early as possible, preferably within a period of three months thereafter. In view of the aforesaid direction, the challenge that has been made against the order impugned dated 17.09.2020, need not be gone into in this writ petition. Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

(R.S.K., J.)

(G.A.M., J.)

14.06.2024

Index : Yes / No
Neutral Citation : Yes / No
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