



W.P.(MD)No.24267 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 13.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.24267 of 2022
and
W.M.P.(MD)No.18372 of 2022

M.Kayethey Ajam

... Petitioner

versus

1. The State rep. by
Secretary to Government,
Secretariat,
Animal Husbandry, Dairying and
Fisheries Department,
Chennai.

2. The Director / Commissioner,
O/o. the Director / Commissioner of Fisheries,
DMS Complex,
Thenampettai,
Chennai – 6.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, seeking for the issuance of Writ of Certiorari, to call for the records relating to the impugned order passed by the 2nd respondent vide his proceedings in Na.Ka.No.28380/L3/2007 dated 09.09.2022 and quash the same as illegal.



For Petitioner : Mr.H.Mohammed Imran
For Respondents : Mr.G.V.Vairam Santhosh,
Additional Government Pleader

ORDER

The petitioner, a retired Sub-Inspector of Fisheries Department, has filed this writ petition challenging the order of the second respondent dated 09.09.2022, imposing punishment of withholding of pension at the rate of Rs.50/- per month for a period of one year.

2. The learned counsel for the petitioner, by referring the evidence recorded during the course of enquiry, attempted to project this case that the Enquiry Officer, without appreciating the evidence in a proper manner, has given the findings, based on which, the disciplinary authority has imposed the penalty.

3. This Court, in the writ jurisdiction, cannot appreciate the evidence recorded during the course of enquiry. Further, the petitioner is having an appeal remedy before the first respondent. However, the petitioner, without invoking the appeal remedy, has inadvertently filed this writ petition.



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4. Since the petitioner has attempted to project his case by referring the evidence recorded during the course of enquiry, this Court is of the view that it would be appropriate for the appellate authority to consider the same.

5. Therefore, this writ petition is disposed of with liberty to the petitioner to file an appeal before the first respondent, within a period of four (4) weeks from the date of receipt of a copy of this order. Since the petitioner has inadvertently filed this writ petition as against the order of punishment dated 09.09.2022, this Court directs the first respondent to entertain the appeal, if it is filed within a period of four weeks, without insisting on the period of limitation. No costs. Consequently, connected miscellaneous petition is closed.

13.11.2024

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

1. The Secretary to Government,
Secretariat,
Animal Husbandry, Dairying and Fisheries Department,
Chennai.

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2. The Director / Commissioner,
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