



W.P.(MD).No.28814 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 05.12.2024

CORAM

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.P.(MD).No.28814 of 2024

and

W.M.P.(MD).Nos.24407 and 24408 of 2024

R.Subramanian

... Petitioner

Vs.

The Principal District Judge,
(Disciplinary Authority),
Thanjavur District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the respondent in A.No.16/2021/2021AW1 dated 30.04.2021 and quash the same and consequently direct the respondent to pay all service and monetary benefits within the time fixed by this Court.

For Petitioner : Mr.K.K.Udayakumar

For Respondent : Mr.Mahaboob Athiff
Standing Counsel



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ORDER

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(Order of the Court was made by M.S.RAMESH,J.)

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

2. As against the penalty imposed in the disciplinary proceedings initiated under Rule 17(b) of the Tamil Civil Services (Discipline and Appeal) Rules (hereinafter referred to as 'Rules'), the petitioner is entitled to prefer an appeal under Rule 19 of the Rules.

3. While a statutory appellate remedy is available to the petitioner, bypassing the same and invoking Article 226 of the Constitution of India is impermissible barring few exceptions. The grounds raised in the present Writ Petition do not touch upon any of such exceptions and as such, the prayer sought for in the present Writ Petition does not deserve consideration. Furthermore, the impugned order was passed on 30.04.2021 and the two month appeal period prescribed under G.O.Ms.No.1088 Public (Service N) Department, dated 04.04.1975 has long since expired. However, the learned counsel for the petitioner sought liberty to approach the appellate authority. Accordingly,



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liberty is granted to the petitioner to approach the appellate authority within 15 days from the date of receipt of copy of this order, along with the necessary application for condonation of delay. If such application is filed, the appellate authority shall consider and dispose of it on its merits.

4. With the above liberty, this Writ Petition stands closed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(M.S.R.,J.) (A.D.M.C.,J.)
05.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm

To
The Principal District Judge,
(Disciplinary Authority),
Thanjavur District.



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