



W.P.(MD)No.30072 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.12.2024

**CORAM:
THE HON'BLE MR JUSTICE R.VIJAYAKUMAR**

**W.P.(MD)No.30072 of 2024
and WMP(MD).Nos.25310 & 25311 of 2024**

S.Oleena

... Petitioner

Vs.

1.The Additional Chief Secretary to Government
Home (Tr.IIA) Department
Secretariat, Chennai -9

2.The Principal Secretary/Transport Commissioner
Guindy, Chennai – 32

3.The Regional Transport Officer
Regional Transport Office
Madurai North Zone
Madurai

.....Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorari calling for records pertaining to the impugned proceedings vide Proc.R.No.32635/VA2/2019 dated 18.07.2023 issued by the second respondent and quash the same as illegal.

For Petitioner

: Mr.K.Dhanasekar

For Respondents

: Mr.A.Baskaran

Additional Government Pleader



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ORDER

The instant writ petition has been filed by a Superintendent working in the Regional Transport Office challenging the order of punishment imposed upon her on 18.07.2023 by the second respondent.

2.A perusal of the impugned order reveals that the petitioner has been issued with a charge memo under Rule 17(b) of Tamil Nadu Civil Services (Discipline and Appeal) Rules on 28.01.2020 and after submission of explanation, an enquiry was conducted and a final order has been passed imposing a punishment of stoppage of increment for five years with cumulative effect. A perusal of the impugned order further reveals that as against the order of punishment, an appeal lies to the first respondent.

3.The petitioner herein has already filed an appeal before the first respondent on 22.09.2023. According to the learned counsel for the petitioner, though the appeal has been presented more than one year back, the same has not yet been disposed of. Hence, the petitioner has chosen to challenge the order of the original authority dated 18.07.2023.



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4.In view of the above said facts, it is clear that the petitioner has already availed an effective alternative appeal remedy and has filed an appeal on 22.09.2023. In such circumstances, this Court cannot entertain the writ petition under Article 226 of Constitution of India challenging the order of original authority.

5.In view of the above said deliberations, the first respondent herein is directed to consider the appeal presented by the writ petitioner on 22.09.2023 and pass orders on merits and in accordance with law, after giving due opportunity to the writ petitioner, within a period of 12 weeks from the date of receipt of a copy of this order.

6.This writ petition stands disposed of on the above said terms. No costs. Consequently, connected miscellaneous petitions are closed.

13.12.2024

Index : Yes/No
Internet : Yes/No
NCC: : Yes/No
msa



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R.VIJAYAKUMAR, J.

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