



W.P.NO.7538 OF 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2025

CORAM

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.NO.7538 OF 2025

AND

WMP NO.8440 OF 2025

S.Sakthivel
Junior Inspector of Sericulture
O/o. Of the Assistant Director
Sericulture Department
Penagaram, Dharmapuri District.

... Petitioner

VS.

1.Director of Sericulture Department
Nethaji Nagar, Asthampatti,
Salem – 636 007.

2.The Regional Joint Director
Sericulture Department, Pennagaram,
Pennagaram Road, Sogathur,
Dharmapuri District – 636 809.

3.The Assistant Director
Sericulture Department
Pennagaram,
Dharmapuri District – 636 809.

4.The Assistant Director



W.P.NO.7538 OF 2025

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Kollati,
Krishnagiri District – 635 107.

... Respondents

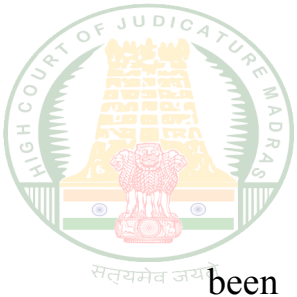
PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus, to call for the records relating to the 2nd respondent herein in Se.Mu.No.2684/अ/2022 dated 24.07.2024 and quash the same and consequently, direct the respondents herein to regularise the suspension period as duty for all purposes and confer all consequential benefits with due regards to the petitioner's seniority.

For Petitioner : Mr.A.Baskaran
For Respondents : Mr.V.Nanmaran
Additional Government Pleader

ORDER

This writ petition has been filed in the nature of a Writ of Certiorarified Mandamus seeking interference with the order dated 24.07.2024 in Se.Mu.No.2684/अ/2022 and direct the respondents to regularize the suspension period as ‘duty’ for all purposes. The petitioner seeks consequential benefits with due regard to the seniority of the petitioner.

2.In the affidavit filed in support of the writ petition, it has



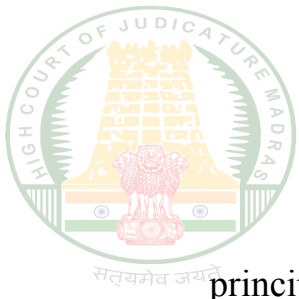
W.P.NO.7538 OF 2025

WEB COPY

been stated that the petitioner initially joined as Junior Inspector of Sericulture on 04.03.2016. He was then placed under suspension by an order dated 28.11.2022. Thereafter, a charge memo under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules was issued by the second respondent on 12.01.2023, framing four charges against the petitioner. The Enquiry Officer written a finding that the charges were proved. Subsequently, the petitioner was given the option to prefer an appeal before the Director of Sericulture. He filed an appeal on 30.08.2024, nearly six months ago, and thereafter, he has filed the present writ petition questioning the report.

3.As a matter of fact, a comparison between the affidavit filed before this Court and the affidavit filed before the Appellate Authority reveals that the affidavit before this Court is a cut and paste of the affidavit filed before the Director of Sericulture, the Appellate Authority. There cannot be two separate proceedings initiated examining the same issue.

4.The learned counsel may raise grievances about the



W.P.NO.7538 OF 2025

WEB COPY

principles of natural justice, but since the petitioner actively participated in the enquiry, it was incumbent upon him to ensure effective participation by raising objections regarding documents and cross-examining witnesses. In fact, the same issues have already been raised before the Appellate Authority. There cannot be two separate forums—one being the Appellate Authority and the other being this Court exercising jurisdiction under Article 226 of the Constitution of India—examining the same grounds against the impugned order. Since the appeal has already been filed and further avenues remain available consequent to any order passed in the appeal, I am not inclined to pass any orders in this writ petition.

5.The writ petition stands dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

05.03.2025

Index : Yes / No
Neutral Citation : Yes / No
Speaking Order : Yes / No
TK

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W.P.NO.7538 OF 2025

C.V.KARTHIKEYAN, J.

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W.P.NO.7538 OF 2025

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