



WEB COPY



W.P.No.33125 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2025

CORAM

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE C.SARAVANAN**

**W.P.No.33125 of 2024
and W.M.P.Nos.35881 of 2024**

M.Indirani

... Petitioner

-Vs-

1.The Registrar General
High Court of Madras
Chennai 600 104.

2.The Chief Judicial Magistrate
Coimbatore.

3.The Judicial Magistrate-V
Coimbatore.

... Respondents

PRAYER : Petition under Article 226 of the Constitution of India, praying for issuance of writ of Certiorarified Mandamus calling for the records of the impugned order issued by the 2nd respondent in D.No.3041/2024 dated 14.10.2024 and quash the same and direct the 3rd respondent to keep the disciplinary proceeding enquiry in abeyance dated 06.09.2024 pending disposal of the appeal dated 16.07.2024 pending on the file of the 1st respondent.

For Petitioner : Mr.M.Silambarasan

For Respondent : Mr.M.Palani Muthu



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ORDER

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

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Against the writ petitioner, already a disciplinary proceedings has been initiated and an order of removal from service by way of punishment has already been imposed by order dated 02.07.2024 issued by the disciplinary authority viz., Chief Judicial Magistrate / second respondent herein. The said order dated 02.07.2024 in fact has been implemented and she has been removed from service and the writ petitioner is no more an employee of the respondents.

2. Though against the said order of punishment, the petitioner has preferred an appeal to the appellate authority ie., the first respondent on 16.07.2024 and the same is pending before the appellate authority, that would not give any jurisdiction to the present disciplinary authority to issue the communication dated 06.09.2024, under which yet another charge memo was issued framing charges under Rule 17(b) of the Rules. Pursuant to the said communication, the petitioner made a request on 18.09.2024 to defer the same till the appeal filed by her against the order of punishment dated 02.07.2024, is decided one way or the other by the appellate authority. The said request having been considered, was rejected through the present impugned order dated 14.10.2024.

3. Heard Mr.M.Silambarasan, learned counsel for the petitioner and Mr.M.Palani Muthu, learned Standing Counsel for the respondents.



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4. As per the order dated 02.07.2024, the petitioner since has been removed from service, she is no more an employee of the respondents. When that being so, the disciplinary authority cannot proceed to issue the impugned communication dated 06.09.2024. Therefore, the request made by the petitioner dated 18.09.2024 itself is a superfluous one, which need not have been considered and therefore the decision now taken through the impugned order dated 14.10.2024 also is not in consonance with law.

5. In view of the above discussion, the writ petition is allowed and the following orders are passed.

(a) That the impugned order dated 14.10.2024 is quashed.

(b) It is made clear that, in view of the order of removal from service has already been implemented as against the writ petitioner by order dated 02.07.2024, pursuant to which since the writ petitioner has been removed from service, she is no more an employee of the respondents. Hence, no further disciplinary proceedings required to be initiated as has been contemplated by the proceedings dated 06.09.2024 issued by the Judicial Magistrate-V, Coimbatore.



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C.SARAVANAN, J.

KST

(c) It is also made clear that this order will not prejudice the right of the petitioner to pursue her appeal filed against the order of punishment of removal from service imposed against her dated 02.07.2024 in the manner known to law.

6. With the above orders, the writ petition stands allowed. No costs.
Consequently, connected miscellaneous petition is closed.

(R.S.K., J.) (C.S.N., J.)
27.01.2025

NCC : Yes / No
Index : Yes / No
Speaking Order : Yes / No

KST

To

1.The Registrar General
High Court of Madras
Chennai 600 104.

2.The Chief Judicial Magistrate
Coimbatore.

3.The Judicial Magistrate-V
Coimbatore

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