



W.P.(MD).No.595 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.595 of 2025

N.Venkatachalam

... Petitioner

-vs-

The District Collector,
Thanjavur.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the respondent in his proceedings in Na.Ka.No. 14103/2023/A4 dated 15.07.2024 and quash the same as illegal and consequently to direct the respondent to regularize the suspension period as duty period.

For Petitioner

: Mr.V.P.Rajan

For Respondents

: Mr.A.Baskaran
Additional Government Pleader

ORDER

The instant writ petition has been filed by a Special Thasildar, challenging the order passed by the respondent herein, wherein, punishment of postponement of increment for a period of six months with cumulative effect has been imposed.



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2. A perusal of the impugned order reveals that as against the order of punishment imposed by the respondent, liberty was granted to the petitioner to file an appeal before the Additional Chief Secretary/Commissioner of Revenue Administration within a period of sixty days from the date of receipt of the said impugned order.

3. However, it is the grievance of the writ petitioner that even though the petitioner has not worked in a particular station during the relevant point of time he has been falsely implicated. This Court is of the considered opinion that the factual dispute arising out of an order imposing punishment cannot be gone into under Article 226 of Constitution of India, especially a statutory appeal provision is available.

4. In view of the above said facts, this court is inclined to pass the following orders :

a) The petitioner is at liberty to file an appeal within a period of four weeks from the date of receipt of a copy of this order before the appropriate appellate authority.



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b) In case such an appeal is filed within a period of four weeks, the same shall be entertained without any reference to the period of limitation and the same may be disposed on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of the appeal.

5. With the above said observations, this writ petition is disposed of.

No costs.

08.01.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR,J.

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