



W.P.(MD)No.1826 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.1826 of 2024

and

W.M.P.(MD)No.1822 of 2024

C.Pusbha Rani

... Petitioner

-VS-

The District Collector and Officer of Disciplinary Proceedings,
Tirunelveli District, Tirunelveli.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned order passed by the respondent in his proceedings in Na.Ka.A6/2498/2020 dated 10.07.2023 and quash the same as illegal.

For Petitioner : Mr.H.Mohammed Imran
for M/s.Ajmal Associates

For Respondent : Mr.K.Balasubramani
Special Government Pleader

ORDER

This Writ Petition has been filed seeking to quash the order passed by the respondent in his proceedings bearing Na.Ka.A6/2498/2020, dated 10.07.2023.



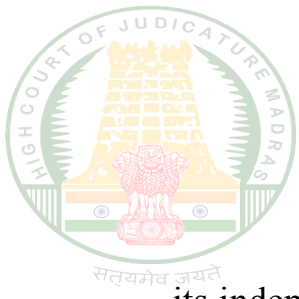
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2. The learned counsel for the petitioner submitted that the impugned order passed by the respondent in Na.Ka.A6/2498/2020 dated 10.07.2023, is liable to be quashed on the ground that it suffers from patent non-application of mind and violation of principles of natural justice.

3. It is further submitted that although the petitioner submitted a detailed explanation to the charge memo dated 15.11.2019 and further explanation in response to the enquiry report, the disciplinary authority, while passing the impugned order, has failed to assign any cogent or independent reasons for disagreeing with her explanations or for imposing the major punishment of stoppage of increment for two years with cumulative effect. Further, the disciplinary authority has merely extracted portions of the petitioner's explanation without advertng to or dealing with the same in the body of the order, thereby, rendering the impugned order a non-speaking one. Such an approach is contrary to the mandate under Rule 18(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, which requires the disciplinary authority to pass a reasoned order.

4. It is further contended that even assuming the charges were held proved by the Enquiry Officer, it is incumbent upon the disciplinary authority to record

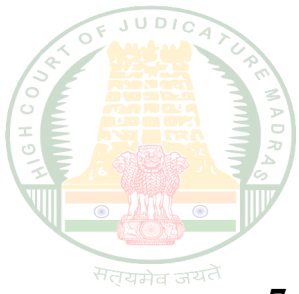


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its independent reasons before imposing punishment, which has not been done in the present case. Hence, the impugned order is vitiated in law and is liable to be quashed.

5. The learned Special Government Pleader appearing for the respondent submitted that the petitioner, though raising several grounds challenging the impugned order, has failed to avail the alternative statutory remedy available under Rule 19 of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. It was contended that the petitioner has a right of appeal before the competent authority under the said Rules.

6. Upon consideration of the submissions and the materials placed on record, this Court is of the considered view that the petitioner has an effective and efficacious alternative remedy by way of appeal under Rule 19 of the aforesaid Rules and that as a matter of settled law, this Court would ordinarily refrain from exercising jurisdiction under Article 226 of the Constitution of India when such statutory remedies are available.



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7. Accordingly, this Writ Petition is disposed of, with liberty to the petitioner to file an appeal under Rule 19 of the Tamil Nadu Civil Services (Discipline and Appeal) Rules before the appropriate authority. If such an appeal is filed within four weeks from the date of receipt of this order, the competent authority shall entertain the same and pass appropriate orders on merits and in accordance with law, within three months thereafter, after affording due opportunity to the petitioner. No costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes / No
Index : Yes / No
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16.07.2025

To:-

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Tirunelveli District, Tirunelveli.



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VIVEK KUMAR SINGH, J.

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