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W.P.(MD) No.4745 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.4745 of 2020
and
W.M.P.(MD) No.4124 of 2020

K.Shanthi

... Petitioner

-vs-

1.The Commissioner of
Municipal Administration
No.75, Santhome High Road
Chennai-600 028

2.The Commissioner
Colachel Municipality
Kanyakumari District

3.The Principal Secretary
Municipal Administration and
Water Supply Department
St.Fort George, Chennai-600 009
[R3 is *suo motu* impleaded vide this order]

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue
a writ of certiorarified mandamus calling for the records pertaining to the



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order of the 1st respondent in Na.Ka.No.32389/201/8/K2, dated 15.07.2019 confirming the order of the 2nd respondent in Na.Ka.No.1572/09/C1 dated 28.11.2016 (signed on 28.11.2018) removing the petitioner from service and quash the same and consequently direct the respondents to reinstate the petitioner in service as Revenue Assistant at the Colachel Municipality.

For Petitioner : Mr.C.K.M.Appaji

For Respondents : Mr.A.Baskaran
Additional Government Pleader for R1 & R3
Mr.P.Athimoolapandian
Standing Counsel for R2

ORDER

This writ petition has been filed challenging the impugned orders dated 15.07.2019, passed by the first respondent (Appellate Authority) and 28.11.2016, passed by the second respondent (Disciplinary Authority) dismissing the petitioner from service.

2. Even though the impugned dismissal orders dismissing the petitioner from service have been challenged through this writ petition, learned counsel for the petitioner would now submit that in view of the further



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appeal remedy available under the Tamil Nadu District Municipalities Act, 1920, the petitioner is now willing to prefer an appeal before the State Government as prescribed under Rule 14 of the Tamil Nadu Municipal Services (Discipline and Appeal) Rules, 1970.

3. As seen from the impugned orders, the Appellate Authority, namely, the first respondent dismissed the appeal filed by the petitioner on 15.07.2019, but, the petitioner chose to file this writ petition in the year 2020, without exercising the second appeal remedy available before the State Government as per Rule 14 of the Tamil Nadu Municipal Services (Discipline and Appeal) Rules, 1970.

4. Learned counsel for the petitioner also contends that the impugned order passed by the first respondent (Appellate Authority) dated 15.07.2019 was received by the petitioner only few days prior to the filing of this writ petition.

5. Any appeal will have to be filed before the Appellate Authority as per Rule 18 of the Tamil Nadu Municipal Services (Discipline and Appeal)



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Rules, 1970, within two months from the date when the petitioner was made aware of the impugned order.

6. Learned counsel for the petitioner, on instructions, would submit that the petitioner received the impugned order dated 15.07.2019, passed by the first respondent (Appellate Authority), only few days prior to the filing of this writ petition.

7. When there is no evidence available on record to show that the petitioner had received the order dated 15.07.2019, passed by the first respondent (Appellate Authority), before two months from the date of filing of this writ petition, the statement made by the learned counsel for the petitioner, on instructions, has to be accepted by this Court that too when the petitioner has been dismissed from service through the impugned orders.

8. Since the learned counsel for the petitioner, on instructions, submitted before this Court that the petitioner is ready to prefer a further appeal before the second respondent as provided under Rule 14 of the Tamil Nadu Municipal Services (Discipline and Appeal) Rules, 1970, this Court is



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inclined to grant such a direction to the petitioner and issue a direction to the State Government to entertain the said appeal, if the same is filed within the time limit fixed by this Court.

9. Since the State Government is not a party respondent to this writ petition, this Court *suo motu* impleads the Principal Secretary, Municipal Administration and Water Supply Department, St.Fort George, Chennai-600 009, as the party – third respondent in this writ petition.

10. Mr.A.Baskaran, learned Additional Government Pleader, also accepts notice for the newly impleaded third respondent.

11. Registry is directed to carry out the impleadment suitably.

12. Accordingly, this writ petition is disposed of by directing the petitioner to prefer an appeal before the newly impleaded third respondent aggrieved by the impugned orders dated 15.07.2019, passed by the first respondent (Appellate Authority) and 28.11.2016, passed by the second respondent (Disciplinary Authority), within a period of fifteen days from the



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date of receipt of a copy of this order. The newly impleaded third respondent shall entertain the said appeal, if it is filed by the petitioner within the stipulated time limit, and pass final orders on merits and in accordance with law by adhering to the principles of natural justice, within a period of six months thereafter. No costs. Consequently, connected miscellaneous petition is closed.

06.11.2025

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

Note to Office:

Carry out the impleadment.

krk

To:

- 1.The Commissioner of
Municipal Administration,
No.75, Santhome High Road,
Chennai-600 028.
- 2.The Principal Secretary,
Municipal Administration and
Water Supply Department,
St.Fort George, Chennai-600 009.



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ABDUL QUDDHOSE, J.

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