



*W.P.(MD)No.17191 of 2025*

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 15.07.2025**

**CORAM:**

**THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH**

**W.P.(MD) No.17191 of 2025**

**and**

**WMP (MD) No.13063 of 2025**

V.Thangavelu

: Petitioner

Vs.

1. The District Treasury Officer,  
Theni District,  
Collectorate Complex,  
Theni.

2. The Joint Director / Enquiry,  
Officer, Madurai Region (Accounts),  
Collectorate Complex,  
Madurai.

: Respondents

**PRAYER:** Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 1st respondent vide his proceedings in Rc. No.4310/2023/A1, dated 13.05.2025 and quash the same as it violates the principle of natural justice and the constitutional protection given to the petitioner and consequently direct the 1st respondent to drop all further proceedings pertaining to the order of dismissal and pay the retirement benefits to the petitioner.

For Petitioner : Mr.R.Aravindan



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For Respondents : Mr.K.Balasubramani  
Special Government Pleader

### **ORDER**

This Writ Petition has been filed challenging the impugned order passed by the first respondent in Rc.No.4310/2023/A1, dated 13.05.2025 and for a consequential direction to the first respondent to drop all further proceedings pertaining to the order of dismissal and pay the retirement benefits to the petitioner.

2. Heard the learned counsel for the parties. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. When the matter was taken up for hearing, the learned Special Government Pleader appearing on behalf of the respondents submitted that, although the petitioner has raised several grounds in the present Writ Petition challenging the impugned order, the petitioner has not availed the alternative statutory remedy available under Rule 19 of the Tamil Nadu Government Servants Conduct Rules and Tamil Nadu



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Civil Service Discipline and Appeal Rules. It was specifically contended that under Rule 19, the petitioner has the right to file an appeal before the competent authority.

4. In view of the submission made by the learned Special Government Pleader and upon perusal of the materials placed on record, this Court is of the considered opinion that the petitioner has an effective and efficacious alternative remedy by way of filing an appeal under Rule 19 of the Tamil Nadu Government Servants Conduct Rules and Tamil Nadu Civil Service Discipline and Appeal Rules, before the competent authority. It is well settled that when a statutory remedy is available, this Court would ordinarily refrain from exercising its extraordinary jurisdiction under Article 226 of the Constitution of India.

5. Accordingly, this Writ Petition is disposed of, granting liberty to the petitioner to file an appeal under Rule 19 of the Tamil Nadu Government Servants Conduct Rules and Tamil Nadu Civil Service Discipline and Appeal Rules, before the appropriate authority. If such an appeal is filed within a period of four weeks from the date of receipt of a copy of this order, the competent authority shall entertain the same



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without reference to the limitation period and shall condone any delay in filing, if any and thereafter consider the appeal on its own merits and in accordance with law, after affording due opportunity to the petitioner and pass appropriate orders within a period of three months thereafter. No costs. Consequently, the connected miscellaneous petition is closed.

**15.07.2025**

Index : Yes / No

Internet : Yes / No

PKN

To

1. The District Treasury Officer,  
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**VIVEK KUMAR SINGH, J.**

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