



WP(MD). No.31099 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 04/11/2025

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THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

WP(MD). No.31099 of 2025

and

W.M.P.(MD).Nos.24314 & 24315 of 2025

R.Prem Leela Ravi

... Petitioner

Vs

1. The Union of India,
Rep. through its Secretary
Ministry of Personnel
Public Grievances and Pension
Department of Pensioners Welfare
3rd Floor, Loknayak Bhavan
Khan Market,
New Delhi.

2. The Indian Council for Medical Research
Rep. through its Director General
Ansari Nagar
New Delhi - 10 029.

3. The Deputy Director General Administration /Vigilance Officer
Indian Council for Medical Research
Vigilance Section
Ansari Nagar
New Delhi - 110 029.



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4. The Enquiry Officer
Enquiry Committee
Indian Council for Medical Research
New Delhi - 110 029.

5. The Director General
Indian Council for Medical Research
(ICMR-VCRC)
Pondicherry-605006.

... Respondents

PRAYER :-

Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned charge memo issued by the 3rd respondent dated 18.03.2025 and quash the same on the ground of lack of jurisdiction, violates the procedure contemplated under Article 309 and 311 of the Constitution of India and consequently directing the respondents 1 and 2 to issue appropriate orders for the payment of the retirement benefits payable to the petitioner, within the time limit as fixed by this Honble Court and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of this case and thus render justice.

For Petitioner : Mr. R.Aravindan
Advocate.

For Respondent
No.1 : Mr.Alagumani Jothi



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ORDER

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This writ petition is filed challenging the impugned charge memo issued by the 3rd respondent dated 18.03.2025 on the ground of lack of jurisdiction, violates the procedure contemplated under Article 309 and 311 of the Constitution of India and consequently directing the respondents 1 and 2 to issue appropriate orders for the payment of the retirement benefits payable to the petitioner.

2. The Registry has raised an issue regarding maintainability as to how the writ petition would be maintainable as the appropriate forum would be the Ministry of Personnel, Public Grievances and Pension i.e., Central Government Services. A compliance had been made by the learned counsel for the petitioner would indicate that on the date of filing the present writ petition, the writ petitioner is not the employee of the Central Government or the Central Agency, alternative remedy before the Central Administrative Tribunal is not a bar as per the settled preposition by the Hon'ble Apex Court in number of judgements, the impugned order is non-speaking and arbitrary, and therefore the writ petition under Article 226 of the Constitution of India is maintainable. This Court is unable to accept the claim made by the learned counsel for the petitioner.



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3. For the very same reason, the petitioner can approach the Central Administrative Tribunal. Hence, when a statutory alternate remedy is available to the petitioner, this Court is not inclined to exercise its power under Article 226 of the Constitution of India. Accordingly, this writ petition is dismissed as not maintainable with liberty to the petitioner to approach the appropriate forum in a manner known to law. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

04.11.2025

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

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K.KUMARESH BABU, J.

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