

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2015

CORAM:

THE HON'BLE MR. JUSTICE D. HARIPARANTHAMAN

W.P. No.10398 of 2015 and
M.P.No.1 of 2015

S.Kailasam

Petitioner

vs.

1.The State of Tamil Nadu,
Rep. By its Secretary,
Highways Department,
Secretariat,
Chennai - 600 009.

2.The Chief Engineer (General),
Highways Department,
Chepauk,
Chennai - 600 005.

3.The Divisional Engineer,
Highways C & M,
Namakkal Division,
Namakkal,
Namakkal District.

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking writ of certiorari calling for the records connected with the impugned order passed by the third respondent in his proceedings Se.Mu.Ka.No.269/2013/A3 dated 13.02.2015 and quash the same.

For petitioner : Mr.R.Rengaramanujam

For Respondents : Mr.V.Jayaprakash Narayanan,
Special Government Pleader

ORDER

Seeking to quash the impugned order passed by the third respondent in his proceedings Se.Mu.Ka.No.269/2013/A3 dated 13.02.2015, the petitioner has come up with this writ petition.

2.Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents.

3.Today, the learned Special Government Pleader appearing for the respondents has produced a letter in Letter No.3165/Nir4(1)/2015 dated 21.04.2015 of the Director General, Highways Department, Chennai, addressed to the learned Special Government Pleader. In the said letter, it is stated as follows:-

"However, the third respondent was instructed that the recovery can be made only after issuing show cause notice to the concerned employees and after getting their reply. Hence, the cancellation - cum-recovery orders issued earlier Se.Mu.Ka.No.269/2013/A3, dated 13.02.2015 were cancelled in the order in Se.Mu.Ka.No.269/2013/A3, dated 10.04.2015 by the third respondent and show cause notice to the employees concerned in Memo No.269/2013/A3 dated 10.04.2015, calling for explanations. On receipt of the explanations from the employees, final orders shall be passed on merits and in accordance with law."

4.In view of the above letter dated 21.04.2015, it is made clear that the third respondent has withdrawn the impugned order dated 13.02.2015 on 10.04.2015. Hence, the issue in this writ petition has become infructuous.

5.In the result, the writ petition is dismissed as infructuous. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

jbm

To

1.The Secretary,
Highways Department,
Secretariat,
Chennai - 600 009.

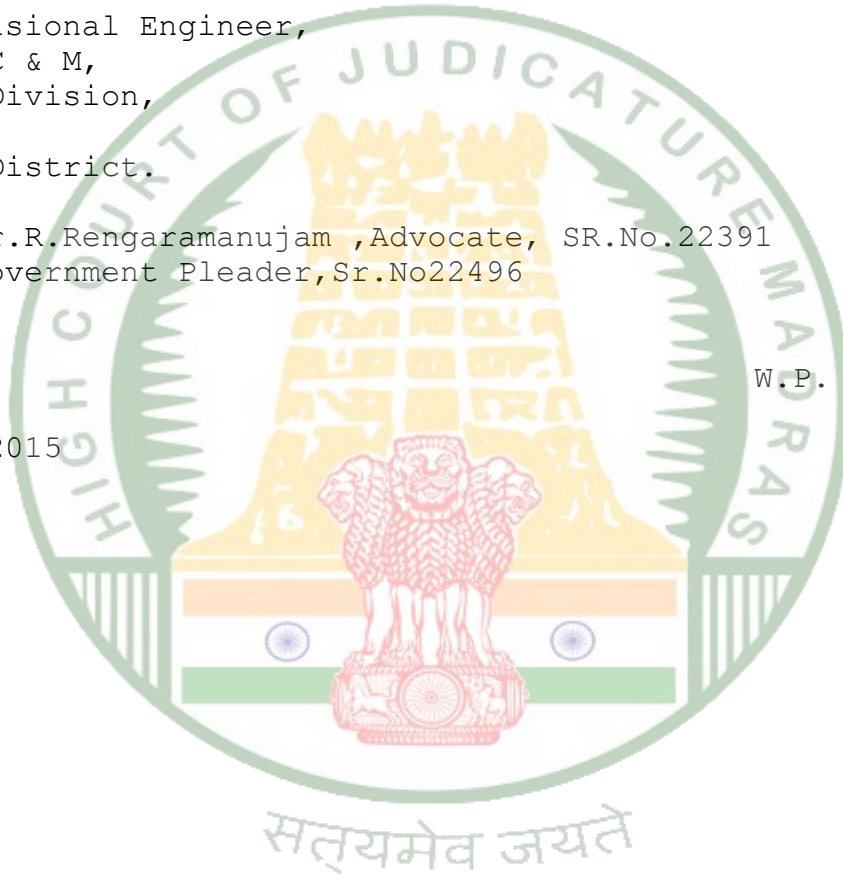
2.The Chief Engineer (General),
Highways Department,
Chepauk,
Chennai - 600 005.

3.The Divisional Engineer,
Highways C & M,
Namakkal Division,
Namakkal,
Namakkal District.

1 cc to Mr.R.Rengaramanujam ,Advocate, SR.No.22391
1 cc to Government Pleader,Sr.No22496

jsv(co)
pmk.19.5.2015

W.P. No.10398 of 2015



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