

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2015

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.34884 of 2015

Mr.A.S.Rajkumar

...Petitioner

Vs.

- 1 The Union of India
Rep by the Member {H.R},
Airports Authority of India,
Rajiv Gandhi Bhavan, Safdarjung Airport,
New Delhi - 110003.
 - 2 The Airport Director,
Airports Authority of India,
Chennai Airport,
Meenambakkam, Chennai - 600027.
 - 3 The General Manager (H.R),
Airport Authority of India,
FTC, New Delhi - 37.
- ...Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider and pass orders on the petitioners representation dated 25.09.2015 on merits and in accordance with law and pass such further or other orders as this Honorable Court.

For Petitioner : Mr.T.N.Sugesh

For Respondents : Ms.G.Hema for R1
CGSC
Mr.R.Parthiban for R2 and R3

O R D E R

By consent the writ petition is taken up for final disposal.

2.The petitioner was initially appointed as Fireman on 12.12.1986 and during 1997 got his promotion as Senior Assistant (FC) in the year 1997 and further promotion as Superintendent in the year 2005. The petitioner married one Gajalakshmi - a widow on 25.05.1998. Later on difference of opinion arose between them. Subsequently, it is alleged that the petitioner has developed acquaintance with Dhanalakshmi and she instituted a false criminal case in C.C.No.8043 of 2000 on the file of the V Metropolitan Magistrate Court, Egmore at Chennai and the said case after trial has ended in acquittal and the revision filed by the said Dhanalakshmi was also dismissed.

3.The petitioner was also visited with a disciplinary proceedings in the form of charge memo dated 06.12.2006 and the Enquiry Officer has submitted a report on 09.10.2009 holding that all the charges except a portion of the first charge as proved and the petitioner has submitted his explanation to the Enquiry Officer's Report and the Disciplinary Authority has imposed the punishment of reversion to the post of Supervisor (Fire Service) for a period of three years with immediate effect vide order dated 3/26.03.2010. The petitioner has filed an appeal challenging the said order on 06.04.2010 and since it has not been disposed of filed W.P.No.24417 of 2010 praying for the earlier disposal of the said appeal and this Court vide order dated 09.11.2010 has directed the first respondent therein to consider and pass orders on the appeal and the Appellate Authority has passed an order on 06.07.2011 rejecting the said appeal and challenging the same, the petitioner filed W.P.No.23594 of 2011 and it was allowed and challenging the legality of the order, the second respondent filed W.A.No.349 of 2013 and this Court vide judgment dated 04.03.2014 has remanded the matter to the Appellate Authority for fresh consideration of the appeal and once again the appeal was rejected and it was put to challenge in W.P.No.29208 of 2014 and the same is pending.

4.The grievance expressed by the petitioner is that de hors the pendency of the appeal, he is also having qualification for the post of Senior Superintendent and in this regard has submitted representation dated 25.09.2015 to the respondents and since no orders have been passed, came forward to file this writ petition.

5.Heard the submissions of Mr.T.N.Sugesh, learned counsel appearing for the petitioner, Ms.G.Hema, learned Central Government Standing Counsel who accepts notice on behalf of the first respondent and Mr.R.Parthiban, learned counsel who accepts

notice on behalf of the respondents 2 and 3.

6.Though the petitioner prayed for the larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the same, directs the third respondent to consider and dispose of the petitioner's representation dated 25.09.2015 on merits and in accordance with law and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

7.The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

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To

1 The Member {H.R},
The Union of India
Airports Authority of India,
Rajiv Gandhi Bhavan, Safdarjung Airport,
New Delhi - 110003.

2 The Airport Director,
Airports Authority of India,
Chennai Airport,
Meenambakkam, Chennai - 600027.

3 The General Manager (H.R),
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FTC, New Delhi - 37.

1 CC to Mr.T.N.Sugesh, Advocate SR.No.59348

W.P.No.34884 of 2015

NM (CO)

PSI (19.11.2015)