

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2015

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE  
AND  
The Hon'ble MR.JUSTICE T.S.SIVAGNANAM

W.P.No.25498 of 2008  
and  
M.P.Nos.1 and 2 of 2008

A.Sethu

... Petitioner

-Vs-

1. The Secretary to Government,  
Personnel & Administrative Reforms Department,  
Fort St. George, Chennai-9.
2. Tamilnadu Information Commission,  
rep. by its Chief Information Commissioner,  
378, Anna Salai,  
Teynampet, Chennai-18.
3. The Director,  
NCB 21028, Vigilance &  
Anti-Corruption Department,  
Greenways Road,  
Chennai-28.
4. The Vigilance Commissioner,  
Fort St. George,  
Chennai-9.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari calling for the records relating to the impugned government order in G.O.Ms.No.158, Personnel and Administrative Reforms (N) Department, dated 26.08.2008 passed by the 1<sup>st</sup> respondent and quash the same as arbitrary, and unconstitutional.

For Petitioner : Mr.Madhangopal  
for  
M/s.Manikandan Associates

For Respondents : Mr.STS.Moorthy  
Government Pleader  
assisted by  
Mr.V.R.Kamalanathan  
Addl. G.P. for R1, R3, R4

M/s.G.R.Associates for R2

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The Government Order having been upheld, the writ petition is disposed of in terms of the order passed by us today in W.P.No.26892 of 2008 (The Catalyst Trust, rep. by its Trustee A.K.Venkatasubramaniam, No.8, 4<sup>th</sup> Street, Venkateshwara Nagar, Adyar, Chennai-600 020 and others v. Government of Tamilnadu, rep. by its Secretary, Personnel and Administrative Reform Department, Chennai-600 009) and the order made in the aforesaid writ petition is extracted as under:-

"The Government Order in question dated 26.08.2008 has already been upheld. However, the learned counsel for the petitioners states that the Government Order needs some clarification/modification in the context of the observations made in W.P.No.4907 of 2009 dated 30.03.2009 (Pugalenthi v. State of Tamil Nadu, rep. by the Secretary to Government, P & AR (N) Department, Secretariat, Chennai-9 and others); 2011 (3) CTC 241 (The Superintendent of Police, Central Range, Office of the Directorate of Vigilance and Anti-Corruption v. R.Karthikeyan and others) and 2013 (1) CWC 81 (The Superintendent of Police, Central Range, Office of the Directorate of Vigilance and Anti-Corruption, Chennai-600 028 v. M.Kannappan and another).

2. He submits that he will submit proper representation in this behalf as to what is the nature of the modification/clarification he seeks and on such representation being made, the same shall be disposed of by the respondent within a maximum period of two (2) months of the receipt of the

representation. Naturally, the observations made in the aforesaid judgments would be kept in mind.

3. The writ petition, accordingly, stands disposed of. No costs. Consequently, M.P.Nos.1 and 2 of 2008 are closed."

No costs. Consequently, M.P.Nos.1 and 2 of 2008 are closed.

Sd/-  
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

bbr

To

1. The Secretary to Government,  
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W.P.No.25498 of 2008

VSN(CO)  
CA(01/10/2015)

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