

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2015

CORAM :

THE HONOURABLE MR. JUSTICE T. RAJA

W.P.NO. 31639 OF 2004
and
W.P.M.P. No.38351 of 2004

V. Vasantha Kumar

.. Petitioner

Vs.

1. The Superintendent
Central Prison
Coimbatore - 18.

2. The Additional Superintendent
cum Enquiry Officer
Central Prison
Coimbatore

.... Respondents

PRAYER: Petition has been filed under section 226 of the Constitution of India to issue an order of Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the first respondent dated 31.07.2004 in No.14223/PO.4/2004 and quash the same and pass further orders.

For petitioner : Mr. P.I. Thirumoorthy

For respondents : Mr. R. Govindasamy, AGP for R1 and R2

O R D E R

This Writ Petition has been directed against the impugned charge memo dated 31.07.2004 bearing No.14223/PO.4/2004 issued by the Superintendent, Central Prison, Coimbatore, the first respondent herein.

2. When the matter was taken up, learned counsel appearing for both the parties jointly made a statement that the prayer in the Writ Petition has become infructuous, since the charge memo under attack has been dropped by the Superintendent, Central Prison, Coimbatore in his proceedings No.710/Po.4/2010 dated

16.02.2015. It is at this point of time, Mr. P.I. Thirumoorthy learned counsel appearing for the petitioner, placing on record another Proceedings of the Additional Director General of Police & Inspector General of Prisons, Tamilnadu, Chennai-8 dated 18.10.2013 in No.21895/EW2/2013-2 submitted that in view of the pendency of the above charge memo issued under Rule 17(b) of the Tamilnadu Civil Services (Discipline and Appeal) Rules, the petitioner's name was not considered in the said panel and hence sought for a direction to the respondents to consider the case of the petitioner for inclusion of his name in the panel.

3. In view of dropping of the charges, nothing survives for further adjudication on the petition. Hence, the respondents shall consider the case of the petitioner if he is otherwise eligible, in the panel drawn by the Additional Director General of Police & Inspector General of Prisons, Tamilnadu, Chennai-8 dated 18.10.2013 in No.21895/EW2/2013-2, wherein his name has not been included holding him ineligible in view of the pendency of the charge memo issued under Rule 17(b) of the Tamilnadu Civil Services (Discipline and Appeal) Rules.

4. In view of the above, since nothing survives in the Writ Petition, the same is dismissed as infructuous. Consequently, the connected Miscellaneous Petition is closed. No order as to costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

avr

To

1. The Superintendent
Central Prison
Coimbatore - 18.

2. The Additional Superintendent
cum Enquiry Officer
Central Prison, Coimbatore.

1 cc to Mr.P.I. Thirumoorthy ,Advocate, SR.No.8681

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rsi(co)

pmk.18.3.2015