



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.10.2015

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P. (MD) No.18243 of 2015

T.S.Nandalal

... Petitioner

Vs.

1.The Principal Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai-600 009.

2.The Managing Director,
Tamil Nadu State Housing Board,
Anna Salai, Nandhanam,
Chennai-600 035.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent ie., the Principal Secretary to Government, Housing and Urban Development Department, Chennai to dispose off the petitioner's appeal dated 28.10.2009 against the orders passed in the proceedings No.DC3/13579/2000 dated 29.09.2009 of the Managing Director, Tamil Nadu Housing Board, Chennai on merits and in accordance with law within a specified time frame that may be fixed by this Court.

For Petitioner ... Mr.S.Visvalingam

For Respondents ... Mr.K.P.Krishna Dos
Government Advocate

O R D E R

This Writ Petition has been filed directing the first respondent ie., the Principal Secretary to Government, Housing and Urban Development Department, Chennai to dispose off the petitioner's appeal dated 28.10.2009 against the orders passed in the proceedings No.DC3/13579/2000 dated 29.09.2009 of the Managing Director, Tamil Nadu Housing Board, Chennai on merits and in accordance with law within the time.

2.By consent, this Writ Petition is taken up for hearing at the stage of admission itself.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate, who takes notice for the respondents.

4.Mr.T.S.Nandalal, who has suffered an order of punishment withholding 1/3rd of his pension by order dated 29.09.2009, has preferred an appeal before the first respondent on 28.10.2009 and the same has not been disposed of. Therefore, the present petition has been filed by the petitioner for the aforesaid relief.



5.The learned Government Advocate submitted that the second respondent, Managing Director, Tamil Nadu State Housing Board, Anna Salai, Nandhanam, Chennai, has passed an order of punishment to withhold 1/3rd of the petitioner's pension for a period of three years, has become the Principal Secretary to Government, Housing and Urban Development Department. Therefore, no direction can be given for directing the very same officer to dispose of the petitioner's appeal.

6.Considering the submissions made on either side, the appeal filed by the petitioner pending for quite a long time from the year 2009, is directed to be disposed of by any officer equivalent to the post of the Principal Secretary to Government preferably by any Additional Secretary. Therefore, the first respondent is directed to place the matter before any competent authority within a period of two weeks from the date of receipt of a copy of this order and the petitioner's appeal dated 28.10.2009 shall be disposed of on merits and in accordance with law within a period of four weeks thereafter.

With the above directions, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(Per.Admn.)

/True Copy/

Sub Assistant Registrar

To

1.The Principal Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai-600 009.

2.The Managing Director,
Tamil Nadu State Housing Board,
Anna Salai, Nandhanam, Chennai-600 035.

+1cc to Mr.S.Visvalingam, Advocate Sr.No.59406

+1cc to The Special Government Pleader SR.No.60118

akm/27.11.2015 /2p-5c/

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08.10.2015