

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03-06-2016

Coram

THE HON'BLE MR. JUSTICE B. RAJENDRAN

Writ Petition No.18715 of 2016

and

W.M.P.No.16345 of 2016

P.Sankaran

..Petitioner

Vs.

The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai-600 003.

...Respondent

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the respondent in G.D.C.No.E4/04574/2011, dated 01.03.2011, quash the same, in the light of the judgment of the Hon'ble Supreme Court reported in (2015) 3 CTC 119 (SC), Ajay Kumar Chaudry vs. Union of India, and the administrative instructions issued by the Government of Tamil Nadu in Letter No.13519/N/2015-1 P&AR (N) Department, dated 23.07.2015, and to direct the respondent to reinstate the petitioner in service.

For Petitioner : Mr.R.N.Amarnath

For Respondent : M/s.G.Anantharangan, Advocate
Standing Counsel for Chennai Corporation

O R D E R

By consent, the Writ Petition is taken up and disposed of at the admission stage itself.

2. This Writ Petition has been filed to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the respondent in G.D.C.No.E4/04574/2011, dated 01.03.2011, quash the same, in the light of the judgment of the Hon'ble Supreme Court reported in (2015) 3 CTC 119 (SC), Ajay Kumar Chaudry vs. Union of India, and the administrative instructions issued by the Government of Tamil Nadu in Letter No.13519/N/2015-1 P&AR (N) Department, dated 23.07.2015, and to direct the respondent to reinstate the petitioner in service.

3. The petitioner entered into service as Junior Engineer in the respondent Corporation. While, he was working as an Assistant Engineer, in Division No.62, Unit II, Zone IV, of the respondent Corporation, he was suspended from service, on 01.03.2011. The petitioner made a representation, dated 23.09.2011 requesting to revoke the order of suspension. Since, there was no response, the petitioner has filed W.P.No.24669 of 2011 before this Court, challenging the proceedings of the respondent, dated 01.03.2011. When that Writ Petition was taken up for admission, on the basis of the submission made by the learned counsel for the petitioner therein, this Court, by order dated 29.10.2011, directed the respondent therein to dispose of the representation of the petitioner within a time frame. The respondent, by order dated 08.02.201, rejected the request of the petitioner. On 06.07.2012 and 26.07.2012, the petitioner submitted representations seeking to revoke the order of suspension. The petitioner has filed W.P.No.20928 of 2012 seeking to quash the suspension order, but, the said Writ Petition was disposed of, on 02.08.2012. Again, on 20.04.2015, the petitioner has made a representation for revocation of suspension order. Till date, there was no response and hence, the present Writ Petition has been filed.

4. Mr.N.Amarnath, the learned counsel for the petitioner would submit that though, the prayer in this Writ Petition is for a larger relief, he is restricting his claim and he would be satisfied, if a direction is issued to the respondent to consider the representation of the petitioner, dated 20.04.2015, and pass appropriate orders, in the light of the judgment of the Hon'ble Supreme Court reported in (2015) 3 CTC 119 (SC), Ajay Kumar Chaudry vs. Union of India and also the Circular issued by the Government of Tamil Nadu in Letter No.13519/N/2015-1 P&AR (N) Department, dated 23.07.2015.

5. Mr.A.Kumar, the learned Special Government Pleader, who takes notice on behalf of the respondent, pointed out that the representation is pending.

6. Considering the above submission of the learned counsel for the petitioner that he is restricting the relief sought for in the Writ Petition, this Court, without going into the merits of the claim made by the petitioner, directs the respondent to consider the representation of the petitioner, dated 20.04.2015, and pass appropriate orders, in the light of the judgment of the Hon'ble Supreme Court reported in (2015) 3 CTC 119 (SC), Ajay Kumar Chaudry vs. Union of India and also the Circular issued by the Government of Tamil Nadu in Letter No.13519/N/2015-1 P&AR (N) Department, dated 23.07.2015, after affording sufficient opportunity to the petitioner, as expeditiously as possible, preferably within a period of two months from the date of receipt of a copy of this order. It is

made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner.

7. The Writ Petition is disposed of accordingly. Consequently, connected Miscellaneous Petition is closed. No costs.

paa

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

The Commissioner
Corporation of Chennai
Rippon Buildings, Chennai-600 003.

+ 1 cc to M/s.G.Anantharangan, Advocate Standing Counsel for
Chennai Corporation Sr 29579

+ 1 cc to M/s.R.N.Amarnath, Advocate Sr 29467

KR/8/6/16

W.P.No.18715 of 2016



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