

W.M.P.No.20238 of 2016 in
W.P.No.12066 of 2016

N.KIRUBAKARAN,J

This petition is filed to modify the order passed by this Court in WMP.No.10430 of 2016 in W.P.No.12066 of 2016 dated 13.04.2016.

2. Heard Mr.RM.Muthukumar, learned counsel for the petitioner and Mr.S.Mukunth for M/s Sarvabhaumn Associates for the respondents

3. In paragraph No.8 of the order dated 13.04.2016, this Court recommended that disciplinary action be taken against the Municipal Commissioner, Nelliyalayam Municipality for his non co-operation in giving appropriate instructions to the learned Special Government Pleader.

4. When the matter is taken up for hearing, Mr.Gomathinayagam, learned Additional Advocate General would submit that the Municipality has a set of panel lawyers and in fact, the Commissioner had already informed one of the panel counsels, who failed to appear before this Court and appraise the position and therefore, the Municipal Commissioner, Nelliyalayam Municipality could not give the instructions to the learned Special Government Pleader and hence he prays for deletion of paragraph No.8 of the order dated 13.04.2016. He would further submit that the Municipal Commissioner, Nelliyalayam Municipality is present before this Court and his future appearance may be dispensed with.

5. Since it is represented by the learned Additional Advocate General that the Commissioner had duly informed one of the panel counsels and the said panel counsel alone failed to appear before this Court, eventually leading to passing of an order against the Commissioner, Nelliyalayam Municipality, taking into consideration the explanation now offered by the learned Additional Advocate General, coupled with the fact that the said Commissioner is also present before this Court tendering unconditional apology, this Court recalls the disciplinary action to be taken against the Municipal Commissioner, Nelliyalayam Municipality and accordingly paragraph No.8 of the order dated 13.04.2016 is deleted.

This petition is ordered accordingly.

11.07.2016

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Note: Office is directed to issue fresh order copy by deleting the paragraph No.8 of the order dated 13.04.2016.

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Since the issue in question is also pending before this Court in CRP.No.4558 of 2015, Registry is directed to post both the matters before this Court, after getting appropriate orders from the Honble Chief Justice.

11.07.2016

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