

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2016

CORAM:

THE HON'BLE MR.JUSTICE A.SELVAM
AND
THE HON'BLE MR.JUSTICE P.KALAIYARASAN

Writ Appeal No.655 of 2016
and
C.M.P.No.8429 of 2016

1.The Managing Director,
Tamil Nadu Housing Board,
Nandanam, Anna Salai,
Chennai-600 035

2.The Superintendent Engineer,
Chennai Region,
Tamil Nadu Housing Board,
331, Anna Salai, Nandanam,
Chennai-600 035

..... Appellants

vs.

D.Prabakaran

..... Respondent

WRIT APPEAL filed under Clause 15 of Letters Patent against the order passed by this court dated 12.05.2016 made on W.P.No.17860 of 2016 filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents to consider the Petitioner's representation dated 06.05.2016 and thereby allow the Petitioner to retire from his service on 31.05.2016 from the post of Executive Engineer and Administrative Officer at Tamilnadu Housing Board, Sathuvachari, Vellore 632 609 with all service emoluments.

For Appellants : Mr.Anandhamoorthy

For Respondent : Mr.J.Selvarajan

J U D G M E N T

(Judgment of the Court was delivered by
A.SELVAM, J)

This Writ Appeal has been directed against the order dated 12.05.2016, passed in W.P.No.17860 of 2016, by the learned single Judge of this Court.

2. The respondent herein, as petitioner, has filed W.P.No.17860 of 2016, on the file of this Court, under Article 226 of the Constitution of India, praying to issue a writ of mandamus so as to direct the appellants/respondents to consider the representation given by the respondent/petitioner on 6.5.2016 and also to allow the respondent/petitioner to retire from service.

3. The learned single Judge, after considering the nature of relief sought therein and also after considering the rival contentions raised on either side, has allowed W.P.No.17860 of 2016, by way of passing the impugned order. Against the order passed by the learned single Judge, the present Writ Appeal has been preferred, at the instance of the respondents, as appellants.

4. The learned counsel appearing for the appellants/respondents has contended that after passing the impugned order in W.P.No.17860 of 2016, the respondent/petitioner has been suspended and a charge memo has been issued and the same has been challenged in W.P.No.18550 of 2016, wherein a specific direction has been given to expedite the enquiry contemplated against the respondent/petitioner. Under the said circumstances, the relief sought in W.P.No.17860 of 2016 has become infructuous.

5. The learned counsel appearing for the respondent/petitioner has also fairly conceded that the relief sought in W.P.No.17860 of 2016 has become infructuous, in view of the subsequent events.

6. Considering the fact that after passing the impugned order in W.P.No.17860 of 2016, the respondent/petitioner has been suspended and a charge memo has also been issued and subsequently, he has filed W.P.No.18550 of 2016, wherein a specific direction has been given to expedite the enquiry contemplated against the respondent/petitioner, this Court is of the view that the relief sought in W.P.No.17860 of 2016 has become infructuous and therefore, the present Writ Appeal is liable to be allowed.

In fine, this Writ Appeal is allowed without cost. The order passed in W.P.No.17860 of 2016 is set aside and W.P.No.17860 of 2016 is dismissed as infructuous. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

msk

To

1.The Managing Director,
Tamil Nadu Housing Board,
Nandanam, Anna Salai,
Chennai-600 035

2.The Superintendent Engineer,
Chennai Region,
Tamil Nadu Housing Board,
331, Anna Salai, Nandanam,
Chennai-600 035

1 cc to Mr.V.Anandhamoorthy, Advocate, sr.40303

1 cc to Mr.K.Munusamy, Advocate, sr.28816

W.A. No.655 of 2016

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kra 03.08.2016

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