

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2017

CORAM

THE HONOURABLE MR. JUSTICE T. RAJA

W.P.No.31612 of 2017

V.Sangan

.. Petitioner

Vs.

1. The Principal Secretary to Government
of Tamil Nadu, MSME Department,
Secretariat, Fort St. George,
Chennai-9.

2. The Additional Chief Secretary/
Industries Commissioner and Director of
Industries and Commerce,
SIDCO Complex, Guindy,
Chennai-32.

.. Respondents

Writ Petition filed under Article 226 constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to pass final orders on the Appeal Petition filed by the petitioner on 9.10.2017 on merits, within a reasonable time.

For Petitioner : Mr.P.Chandrasekaran
For Respondents : Mr.V.Jayaprakash Narayanan,
Special Government Pleader

O R D E R

The Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the 1st respondent to pass final orders on the Appeal Petition filed by the petitioner on 9.10.2017 on merits, within a reasonable time fixed by this Court.

2. The case of the petitioner is that while he was working as Assistant in the office of the Regional Joint Director of Industries and Commerce, Guindy, he was arrested on 26.03.2009 by the Inspector of Police, Special Investigation Cell, Vigilance and Anti Corruption in a trap case and subsequently, by an order dated 30.3.2009 of the 2nd respondent, he was placed under suspension w.e.f. 26.03.2009 A.N. until further orders passed under Clause (2) of Sub-Rule (e) of Rule 17 of the Tamil Nadu Civil Services (D&A) Rules. Thereafter, he was found guilty for commission of offence under Sections 7, 13(2) read with 13(1)(d) of Prevention of Corruption Act, 1988 and sentenced to undergo 6 months rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo 1 month Simple Imprisonment for offence under Section 7 of P.C. Act and further sentenced to undergo 1 year Rigorous imprisonment and to pay a

fine of Rs.1,000/-, in default, to undergo 1 month Simple Imprisonment for the offence under Section 13(2) r/w.13(1)(d) of P.C. Act in the judgment dated 22.02.2017 in C.C.No.135/2011 passed by the learned Special Judge, Special Court for the cases under P.C. Act, Chennai-104. The appeal preferred against the same before this Court is still pending.

3. While so, on 20.3.2017, the 2nd respondent issued a show cause notice calling upon him to submit his representation in writing for the proposed penalty of 'Dismissal from Service' and in response to the same, the petitioner submitted his representation on 10.4.2017 to defer any disciplinary proceedings against him pursuant to the show cause notice in view of the fact that Criminal Appeal is pending. On 24.04.2017, yet another show cause notice was served on him by the 2nd respondent and the petitioner has submitted his representation on 15.5.2017. Likewise on 6.6.2017 another show cause notice was issued for which the petitioner submitted his reply on 19.6.2017 and 28.6.2017 requesting to defer the departmental action against him till the final orders are passed in the Criminal Appeal. But, without considering the same, the 2nd respondent has passed the final orders on 20.7.2017 dismissing the petitioner from service. Aggrieved over the same, the petitioner filed an appeal on 9.10.2017 to the 1st respondent and the same is still pending. Hence, the present Writ Petition.

4. Heard the learned Counsel for the petitioner and the learned Special Government Pleader appearing for the respondents.

5. Under such circumstances, it is not known how the petitioner can approach this Court seeking a direction to the 1st respondent to dispose of his appeal dated 9.10.2017 which was filed against the order of dismissal passed by the 2nd respondent on the basis of the conviction and sentence imposed by the learned Special Judge, Special Court for the cases under P.C. Act, Chennai-104 in C.C.135/2011. Therefore, this Court is of the view that no purpose would be served by issuing a direction as sought for by the petitioner, since there is no order of reversing the judgment of conviction and sentence rendered against the petitioner.

6. In the result, the Writ Petition fails and the same is accordingly dismissed. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary to Government
of Tamil Nadu, MSME Department,
Secretariat,
Fort St. George,
Chennai-9.

2. The Additional Chief Secretary/
Industries Commissioner and Director of
Industries and Commerce,
SIDCO Complex, Guindy,
Chennai-32.

+1cc to Government Pleader Sr.No.87446

+1cc to M/s.P.Chandrasekaran, Advocate SR.No.86519

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KAN(CO)
sm:27.12.2017



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