

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2017

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
The Hon'ble MR.JUSTICE M.SUNDAR

W.P.No.265 of 2017

A.G.Narasimhan

... Petitioner

-Vs-

The Government of Tamil Nadu,
rep. by the Chief Secretary,
Secretariat, St. George Fort,
Chennai-600 009.

... Respondent

Writ Petitions filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondent to take steps to fill up the vacant post of Secretary in the departments of Public, Commercial Tax, Hindu Religious and Endowment, Higher Studies and Animal Husbandary and Fisheries as it will improve the situation lot beneficial to General Public.

For Petitioners : Mr.K.Theagaraja Marthandan

For Respondent : Mr.M.K.Subramanian
Government Pleader

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The petition styled as public interest litigation filed by an Advocate contains vague allegations about the Secretary level post having not been filled up and the Commissioner, HR & CE department is being given additional charge of the Secretary of the said department. Similarly, there are other posts of Secretaries vacant.

2. It is for the Government to decide which post should be manned by which officer and whether they should have joint charge or not and thus, the petition is devoid of substance and accordingly, dismissed. No costs.

3. We, however, notice that though the issue is not raised in this petition, under Section 21 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, the Commissioner has the power to call for the records and pass orders in a revision. The second revision has in fact been provided under Section 114 of the said Act before the Government. The result is, the same person is manning both the posts and thus, the statutory remedy is defeated and apparently, a number of cases are pending under Section 114 of the said Act.

4. The learned Government Pleader seeks some time to obtain instructions in this behalf.

5. List for directions on 25.01.2017.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

The Chief Secretary,
Government of Tamil Nadu,
Secretariat, St. George Fort,
Chennai-600 009.

Copy To

The Sub Assistant Registrar (Writs),
High Court, Madras.

सत्यमेव जयते

W.P.No.265 of 2017

EV(CO)
CA(12/01/2017)

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