

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2017

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.16417 of 2004

A.V.Rajagopalasamy

... Petitioner

vs.

1. The Commissioner,
HR & CE,
Admn. Department,
Chennai 600 034.
2. The Assistant Commissioner,
HR & CE,
Admn. Department,
Chennai 600 034.
3. The Regional Audit Officer,
HR & CE Admn. Office,
Thiruverkadu, Chennai. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorari calling for the records of the third respondent in Lr.No.25/A1, dated 11.05.2004 and quash the same.

For Petitioner : Mr.W.C.Thiruvengadam

For Respondents : Mr.M.Maharaja, HR & CE
Special Government Pleader

O R D E R

The petitioner has come up with this Writ Petition seeking to quash the order dated 11.05.2004 passed by the third respondent vide Lr.No.25/A1.

2. When the matter is taken up for hearing today, learned counsel for the petitioner submitted that a similar issue is pending before the Appellate Authority and in view of the interim order granted by this Court on 17.06.2004 in W.P.M.P.No.19403 of 2004, that has been made absolute, the Commissioner of H.R. & C.E. Department is unable to proceed further.

3. Heard the learned counsel on either side and perused the material documents available on record.

4. It is very unfortunate that the petitioner has not only filed the present Writ Petition against the order dated 11.05.2004, but has also filed a Revision Petition in R.P.No.139/2004. Since he could not get an interim order against the order dated 11.05.2004, as the same was rejected by the Revisional authority on 07.06.2004, the Writ Petition was filed on 14.06.2014. Though the said order dated 07.06.2004 is filed in the typed set of papers, nowhere in the affidavit accompanying the present Writ Petition, the rejection of stay is discussed. The petitioner being a presiding Swamiji of an Ashram has suppressed the facts unmindful of the Ashram and has come with unclean hands before this Court. The contention that the petitioner has filed the document dated 07.06.2004 in the typed set of papers alone is not suffice to plead that there is no suppression. It is true that the petitioner has challenged the order dated 11.05.2004, but, it has to be construed that the petitioner had adverse orders on 07.06.2004 and that has not been stated in the affidavit only to divert the attention of the Court from the refusal of 'stay' and challenging the impugned proceedings dated 11.05.2004.

5. Considering the facts and circumstances of this case, the 1st respondent/Commissioner, H.R. & C.E. Department is directed to dispose of the Revision Petition filed by the petitioner vide R.P.No.139/2004, in accordance with law, within a period of one month from the date of receipt of a copy of this order, after affording an opportunity of hearing to the parties concerned. The authority concerned must be vigilant about the pleadings of the petitioner in view of suppression of facts made in this Writ Petition.

This Writ Petition is disposed of with the above direction.
No costs.

Sd/-

Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

To:

1. The Commissioner,
HR & CE, Admn. Department,
Chennai 600 034.

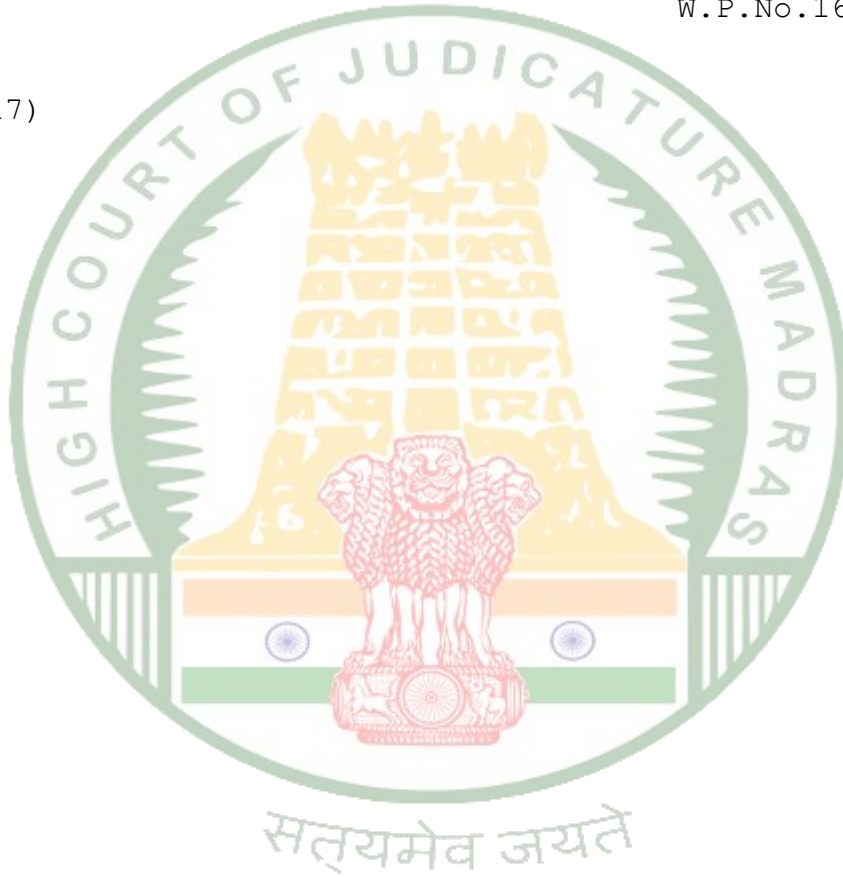
2. The Assistant Commissioner,
HR & CE, Admn. Department,
Chennai 600 034.

3. The Regional Audit Officer,
HR & CE Admn. Office,
Thiruverkadu, Chennai.

+1cc to Government Pleader sr.53515

W.P.No.16417 of 2004

gj(co)
ss(8/8/2017)



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