

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED : 16.08.2017****CORAM****THE HONOURABLE MR.JUSTICE M.DHANDAPANI****W.P.No.28279 of 2004**

P.Subramanian

... Petitioner

Vs.

The Chief Engineer (General),
Highways Department.
Chepauk,
Chennai – 5.

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent herein to reinstate the petitioner and extract work from him on the basis of the order passed by the Tamil Nadu Administrative Tribunal dated 26.04.2004 in O.A.No.1763 of 2004 and also representations dated 04.05.2004 and 16.06.2004.

For Petitioner : No Appearance

For Respondent : Mr.A.Zakir Hussain

Government Advocate

ORDER

The petitioner has filed this writ petition seeking issuance of Mandamus, directing the respondent to reinstate the petitioner and extract work from him on the basis of the order passed by the Tamil Nadu Administrative Tribunal dated 26.04.2004 in O.A.No.1763 of

2004 and also representations dated 04.05.2004 and 16.06.2004.

2. There is no representation for the petitioner. Heard the learned Government Advocate appearing for the respondent.

3. The petitioner while he was working as Assistant Engineer, Highways Department at Alangulam, Tirunelveli District was implicated in a criminal case. In connection with the said criminal case, he was arrested and remanded to judicial custody on 03.10.2003 and subsequently, he was released on conditional bail by the learned Chief Judicial Magistrate, Tirunelveli vide order dated 06.10.2003 made in CrI.M.P.No.843 of 2003. In view of the fact that the petitioner was lodged in prison beyond 48 hours, the respondent vide order dated 06.10.2003, placed him under suspension with effect from 03.10.2003. The said order was challenged by the petitioner before the Tamil Nadu Administrative Tribunal in O.A.No.1763 of 2004.

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4. The Tribunal while upholding the validity of the suspension order, issued a direction to the respondent to reinstate the petitioner and extract the work from him. The Tribunal further held that it is open to the department to transfer the applicant/ petitioner to any

other place if his continuation in the old station may not be conducive for smooth enquiry, investigation or trial. The said order was communicated to the respondent by the petitioner through his representations dated 04.05.2004 and 16.06.2004. In view of the inaction on the part of the respondent, the petitioner has filed the present writ petition.

5.The writ petition is of the year 2004 and while entertaining the writ petition, no interim order has been granted by this Court. Hence, after a lapse of nearly thirteen years, this Court feels that nothing would survive for adjudication in this writ petition. Accordingly, the writ petition is closed. No costs.

16.08.2017

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

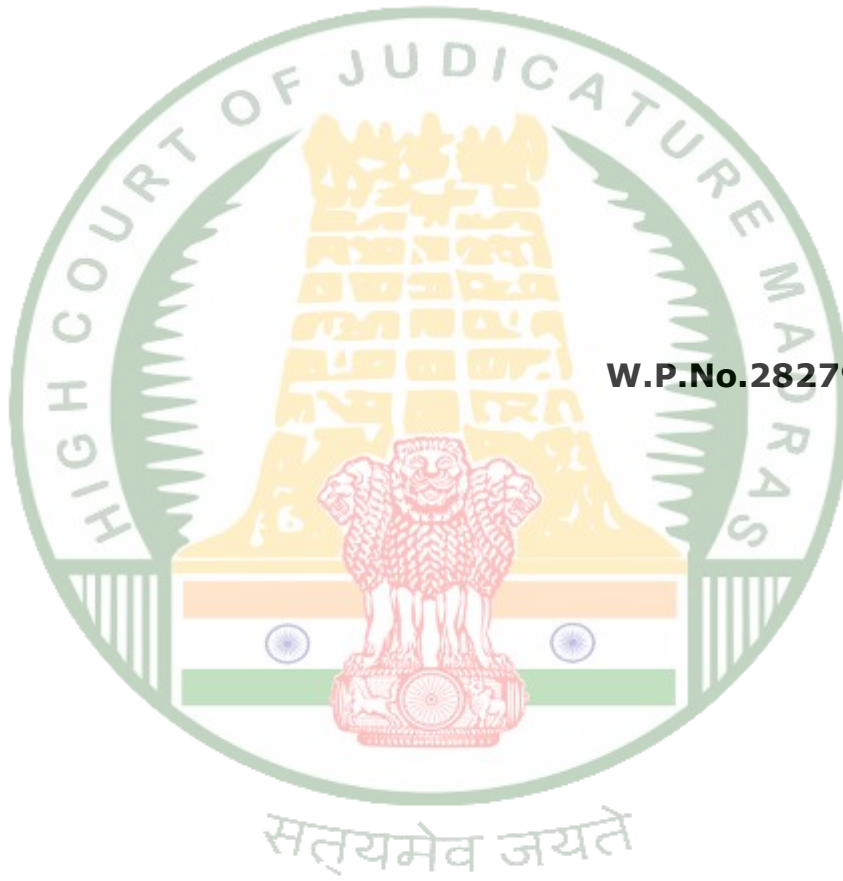
सत्यमेव जयते

To

The Chief Engineer (General),
Highways Department.
Chepauk,
Chennai – 5.

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M.DHANDAPANI,J.
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W.P.No.28279 of 2004

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