

HON'BLE SRI JUSTICE S.V. BHATT

Writ Petition No.18114 of 2017

ORDER:

Heard Mr. K. Chidambaram, for petitioners and the Assistant Government Pleader for respondents 1 to 4.

2. The petitioners challenge the recommendations communicated through the proceedings in Rc.No.335/ 2016/ D, dated 01.05.2017 as illegal and in deviation of the proceedings in Rc.No.270/ 2009/ JA, dated 10.09.2014 of 4th respondent.

3. Mr. Chidambaram, against the recommendations contained in the proceedings dated 01.05.2017 has made several submissions and contended that a case is made out for interference under Article 226 of the Constitution of India.

4. I have carefully examined the recommendations. This court is of the view that the recommendations made by one of the Officers in the hierarchy for decision making process, normally is not interdicted and subjected to judicial review. The 3rd respondent has forwarded the recommendations and it is for the 4th respondent to independently examine each one of the circumstances and take a decision within his authority and jurisdiction. Since the recommendations are already in the public domain, in the fitness of things and also to ensure fairness in action, this court considers it appropriate to give liberty to the petitioners to file objections/reply to the recommendations dated 01.05.2017. The 4th respondent is under obligation to consider the issue independently by taking note of objections as well, and take final decision in this behalf.

5. With the above observation, the writ petition is disposed of. No order as to costs. Pending miscellaneous petitions if any in this writ petition shall stand dismissed in consequence.

S.V.BHATT, J

Date: 07.06.2017
BSS



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31

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BSS