

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.08.2018

Coram

The Hon'ble Mr.Justice Satrughana Pujahari

Writ Petition No. 20245 of 2018

Rajamannar

...Petitioner

Vs.

The Home Secretary,
Government of Tamil Nadu,
Secretariat, For St.George,
Chennai.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the respondent to dispose of the appeal dated 10.07.2017 in accordance with law.

For Petitioners : Mr. N.A.Nissar Ahmed
For Respondent : Mrs. R.Janaki
Additional Government Pleader

O R D E R

Heard Mr. N.A.Nissar Ahmed, the learned counsel appearing for the petitioner and Mrs. R.Janaki the learned Additional Government Pleader, who accepts notice on behalf of the respondent. With the consent of the learned counsel on either side, the Writ Petition is taken up for disposal.

2. The grievance of the petitioner, in this Writ Petition is that he has filed an appeal before the respondent against the punishment imposed on him in a disciplinary proceedings initiated against him, on 10.07.2017 but the same has not been disposed of yet. Therefore, challenging the aforesaid inaction on the part of the sole respondent, he has filed this Writ Petition seeking a writ of mandamus directing the respondent to dispose of his appeal in a time bound manner.

3. The learned counsel appearing for the petitioner submits that, since the petitioner had filed the appeal on 10.07.2017 challenging the penalty imposed on him and the same is statutory one, the respondent is duty bound to dispose of the same in accordance with law within a reasonable period, but, the

respondent having not disposed of the same, he came to file this Writ Petition with the aforesaid prayer. Therefore, considering the limited prayer, he submits that, without awaiting for a counter affidavit, this Court may grant such relief to the petitioner.

4. The Additional Government Pleader appearing for the respondent would submit, if such an appeal is pending, the respondent would have no objection to dispose of the same in accordance with law, but, this Court should not put any fetter on the respondent to dispose of such appeal in any particular manner.

5. Considering the aforesaid facts and the submissions made and also the nature of relief sought for by the petitioner, this Court disposes of this Writ Petition with a direction to the respondent to dispose of the petitioner's Appeal, dated 10.07.2017, if the same is still pending, in accordance with law, within a period of six weeks from the date of receipt of a copy of this order, if there is no other legal impediments for such disposal. However, in the circumstances, there will be no order as to costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

The Home Secretary,
Government of Tamil Nadu,
Secretariat, For St.George,
Chennai.

+1cc to Mr.N.A.Nissar Ahmed, Advocate, S.R.No.54569

+1cc to the Government Pleader, S.R.No.54749

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GSII(CO)
GSP(03/09/2018)

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