

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2018

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HON'BLE MR.JUSTICE P.VELMURUGAN

W.A.No.932 of 2014
and
M.P.No. 1 of 2014

A.Devagi ...Appellant/Petitioner

Vs

1. R.Kalaiselvi
2. The District Collector,
Erode District,
O/o. The District Collector,
Perundurai Road,
Erode - 638 011. ...Respondents/Respondent

Prayer:- Writ Appeal filed under Clause 15 of Letter Patent Act, to set aside the order dated 23.08.2013 passed in W.P.No.23399 of 2013. Petition filed under Article 226 of the constitution of India for the issuance of Writ of Certiorarified Mandamus calling for the records of the 2nd respondent bearing No. 6/2013 dt 29.7.2013 and quash the same and consequently direct the respondents to reinstate the petitioner as the Protection Officer (Non-Institutional) for the District Child Protection Society, Erode.

For Appellant : Mr.Agni Selvaraju

For Respondent : No appearance (R1)
Mr.V.Ananthamurthy (R2)
Additional Government Pleader

J U D G M E N T

(Judgment of the Court was delivered by K.K.SASIDHARAN, J.)

This intra court appeal is directed against the order dated 23 August 2013 in W.P.No.23399 of 2013, whereby and whereunder the learned single Judge directed the appellant to conduct enquiry by giving due opportunity to the first respondent and pass appropriate orders on merits. There was a further direction that till the enquiry is finalised, the services of the first respondent should be continued, in case the agreement of other employees are renewed. The order is under challenge on the ground that the learned single Judge was not correct in remanding the matter.

2. The learned counsel for the appellant submitted that after the order dated 23 August 2013, the appellant conducted the enquiry with due opportunity to the first respondent. The second show cause notice issued to the first respondent was challenged by him before the Writ Court in W.P.No.28450 of 2013. The learned single Judge, by order dated 21 November 2017 directed the appellant to give opportunity to the first respondent to submit his explanation and the appellant was directed to pass orders thereafter.

3. The learned counsel for the appellant submitted that the appellant is in the process of giving notice to the respondent and appropriate orders would be passed on merits.

4. The intra court appeal itself was directed against the remand order. The appellant has already complied with the order passed by the learned single Judge. In view of the subsequent events as indicated above, nothing survives for adjudication in this appeal.

6. The Writ Appeal is disposed of with the above observation. The question of renewal of contract of the first respondent shall await the disposal of the enquiry proceeding. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

arr

To

The District Collector,
Erode District, O/o. The District Collector,
Perundurai Road, Erode - 638 011.

+ 1 cc to the J.Agni Selvaraju, Advocate Sr.19586
+ 1 cc to the Government Pleader Sr.19650

W.A.No.923 of 2014

NMI (CO)
EU(10/04/2018)