

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2018

CORAM :

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P. No.2075 of 2008

and

M.P.Nos. 1 to 3 of 2008

K.Kanji

...Petitioner

Vs.

1. The State of Tamil Nadu
Rep. by its Secretary to Govt,
Home (Transport-II) Department,
Fort. St.George, Chennai 600 009.

2. The Transport Commissioner,
Chepauk, Chennai - 600 005.

...Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings made in Proc.R.No.18057/VBI/05 dated 20.12.2007 passed by the 2nd respondent and quash the same and consequently forbear the 2nd respondent from proceeding with the enquiry in pursuant to the aforesaid order and pass orders.

For Petitioner : Mr.W.S.Abirami
For Respondents : Mr.R.S.Selvam
(Government Advocate)

ORDER

The petitioner prays to issue a writ of Certiorarified Mandamus, calling for the records relating to the proceedings made in Proc.R.No.18057/VBI/05 dated 20.12.2007 passed by the 2nd respondent and quash the same and consequently forbear the 2nd respondent from proceeding with the enquiry in pursuant to the aforesaid order.

2. It is the case of the petitioner that while he was working as Regional Transport officer in Ayanavaram he was issued with a charge memo No.V3/18057/05 dated 28.03.2005 for an alleged act of refusal to receive the order deputing him for

taxation work. Even though, the charge does not disclose any ingredients attracting Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules and even after the direction of this Hon'ble Court in W.P.No.20297/2007 dated 08.10.2007 that the charges framed against the petitioner would

attract only Rule 17(a) and not Rule 17(b), the second respondent, without converting the charges under Rule 17(a), decided to continue the enquiry under Rule 17(b) of the Tamil Nadu Civil Services (Disciplinary and appeal) Rules. Aggrieved over the said memo the petitioner has filed this writ petition.

3. When the matter is listed today, the learned counsel for the petitioner submits that the petitioner is no more and the writ petition has become infructuous.

4. Recording the above submissions made by the learned counsel for the petitioner, this Writ Petition is dismissed as infructuous. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

// True Copy //

Sub Assistant Registrar

To.

1. The Secretary,
The State of Tamil Nadu
Home (Transport-II) Department,
Fort. St. George, Chennai 600 009.

2. The Transport Commissioner,
Chepauk, Chennai - 600 005.

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W.P. No.2075 of 2008
and
M.P.Nos. 1 to 3 of 2008

KJI (CO)
SMI/28.08.2018