

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 01.03.2018

Coram

THE HONOURABLE Mr. JUSTICE K.K.SASIDHARAN

AND

THE HONOURABLE Mr. JUSTICE P.VELMURUGAN

W.A.No.2237 of 2012
and M.P.No.1 of 2012

1.The Secretary to Government
Home (Transport-II) Department
Government of Tamil Nadu
Fort St.George, Chennai 9.

2.The Principal Secretary/
Transport Commissioner
Chepauk, Chennai 5.

... Appellants/Respondents 1 & 2

Vs.

A.Sundaraganesan

... Respondent/Petitioner

Writ Appeal filed under Clause 15 of Letters Patent to set-aside the order dated 04.03.2011 made in W.P.No.15297 of 2010, on the file of this Court.

For Appellants : Mrs.A.Sri Jayanthi
Special Government Pleader

For Respondent : Mr.Ravi Shanmugam

J U D G M E N T

[Judgment of the Court was delivered by
K.K.SASIDHARAN, J.]

The respondent filed a writ petition in W.P.No.15297 of 2010 for issuance of a Writ of Mandamus directing the appellants herein to promote him without considering the pending disciplinary proceedings initiated against him. The writ petition was taken up along with similar petitions filed by the co-delinquents. Even though there was no challenge to the charge memo at the instance of the respondent, the learned

Single Judge quashed the charge memo on the ground that the charges were vague. Feeling aggrieved, the appellants have come up with this intra court appeal.

2. When a question was posed as to whether the learned Single Judge was correct in quashing the charge memo without there being any prayer for the same, the learned counsel fairly submitted that he would 'not press' the writ petition with liberty to file a fresh writ petition challenging the charge memo on the ground of delay and vagueness. The learned counsel made an endorsement to that effect.

3. We permit the respondent to withdraw the writ petition in W.P.No.15297 of 2010 without prejudice to file a fresh writ petition on available grounds, if he is so advised.

4. Since the respondent has withdrawn the writ petition in W.P.No.15297 of 2010, there is nothing to adjudicate in the writ appeal filed by the appellants.

The writ appeal is disposed of with the above observation. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-viii)

//True Copy//

Sub Assistant Registrar

gms

To

1.The Secretary to Government
Home (Transport-II) Department
Government of Tamil Nadu
Fort St.George, Chennai 9.

2.The Principal Secretary/
Transport Commissioner
Chepauk, Chennai 5.

+1cc to Mr.RAVI SHANMUGAM, Advocate, S.R.No. 16063
+1cc to the Government Pleader, S.R.No. 16288

W.A.No.2237 of 2012

SR(CO)
TR(26/03/2018)