

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.07.2018

Coram

The Hon'ble Mr.Justice Satrugana Pujahari

Writ Petition No.16777 of 2018

Mr. P.Ganesh @ Ganesan

...Petitioner

Vs.

1. The Principal Secretary to Government,
Home, Prohibition and Excise Department,
State of Tamil Nadu, Fort St. George,
Chennai - 600 009.

2. The Joint Secretary to Government,
Home, Prohibition and Excise Department,
State of Tamil Nadu, Fort St. George,
Chennai - 600 009.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the respondents to consider the representations of the petitioner, dated 09.06.2016 and 21.02.2018 respectively on the file of the first respondent and reminder representation dated 22.08.2016 on the file of the second respondent.

For Petitioner : Mr.Arun.G.

For Respondents : Mr.V.Kadhirvelu

Special Government Pleader

O R D E R

Heard Mr.G.Arun, the learned counsel appearing for the petitioner and Mr.V.Kadhirvelu, the learned Special Government Pleader, who accepts notice on behalf of the respondents. With consent of the learned counsel on either side, the Writ Petition is taken up for disposal.

2. The grievance of the petitioner, in this case is that, in a disciplinary proceedings, he was found guilty of the charges along with another co-delinquent. But, while imposing punishment, the co-delinquent was imposed with a lesser penalty. As such, the petitioner has made a representation to the first respondent to review and revisit the penalty imposed on him, inasmuch, similarly situated co-delinquent has been imposed with a lesser penalty. Though such a representation is made in the year 2016, (09.06.2016), followed by reminder, dated 22.08.2016,

indicating such factual grounds and also the same is followed by another representation, dated 21.02.2018, so far, representations have not been disposed of. Hence, the petitioner has come to this Writ Petition seeking a writ of mandamus directing the respondents to dispose of the representation within a stipulated period.

3. The learned Special Government Pleader appearing for the respondents submits that, if such representations are pending, the appropriate Authority shall take an informed and considered decision on the same in accordance with law within a stipulated period, as would be fixed by this Court.

4. Considering the limited nature of relief sought for, in this Writ Petition, and after hearing the learned counsel appearing for the parties, this Court is of the view that no useful purpose is going to be served by asking the respondents to file their response to the Writ Petition, and as such, disposes of this Writ Petition with an order that the respondent concerned shall take an informed and considered decision as permissible under law on such representations of the petitioner, if the same are pending, within a period of six weeks from the date of receipt of a copy of this order, and if there is no other legal impediments for disposal of the same. However, it is made clear that this Court has expressed no opinion on the merits of the representation of the petitioner in any manner. No costs.

-s/d-

Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

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To

1. The Principal Secretary to Government,
Home, Prohibition and Excise Department,
State of Tamil Nadu, Fort St. George,
Chennai - 600 009.

2. The Joint Secretary to Government,
Home, Prohibition and Excise Department,
State of Tamil Nadu, Fort St. George,
Chennai - 600 009.

+1 CC to Mr. Arun, Advocate sr 43418.

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SP(27/07/2018)