

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.24799 of 2006
and M.P.No.1 of 2006

B.Khaja Anwerdeen

... Petitioner

Vs.

1.The Secretary,
Secretary to Government,
Public Works Department,
Fort St. George, Chennai-9.

2.The Engineer-in-Chief WRO &
The Chief Engineer (General),
Public Works Department,
Chepauk, Chennai-600 005.

... Respondents

Prayer : Writ Petition filed under Article 226 of the
Constitution of India, praying for issuance of a Writ of
Certiorari calling for the records of 1st respondent in G.O. (D)
No.228 dated 31.05.2006 and quash the same.

For Petitioner : Mr.S.Haja Mohideen Gisthi

For Respondent : Mr.K.Ravikumar
Additional Government Pleader

ORDER

This writ petition has been filed challenging the G.O.
(D) No.228 dated 31.05.2006 passed by the first respondent.

2.The case of the petitioner is that he has entered the
service as an Assistant Engineer of Public Works Department in
Institute of Hydraulic and Hydrology (Thiruvallur District),
Poondi on 28.11.1972. Thereafter, he was transferred to the
Special Building Division, Villupuram and subsequently he was
transferred from time to time to various other places. While he
was working as Superintending Engineer, Parambikulam Aliyar
Basin Circle, Pollachi, he was placed under suspension in G.O.
(D) No.228 Public Works, dated 31.05.2006 and he was not
permitted to retire from service though he attained the age of

superannuation on that day. Challenging the said G.O. this petition has been filed seeking the above said prayer.

3.Learned counsel for the petitioner would submit that suspension order was passed on 31.05.2006. However, he is not able to verify the present position.

4.This Court by order dated 05.04.2018 dismissed the similar W.P. No.27090 of 2006 as nothing further survives for adjudication observing as follows:

'The petitioner has filed a writ petition challenging the G.O.(D).No.228 dated 31.05.2006, wherein the petitioner was not allowed to retire by invoking Rule 56 (1) (c) of the Fundamental Rules and he was placed under suspension and was not permitted to retire on superannuation on the ground that there was a progress in the charges pending against him. Thereafter, as per G.O.(D).No.78 dated 21.03.2016, the respondents drafted the charges against the petitioner.

In view of the above writ petition, nothing survives for adjudication in this case. Accordingly, the writ petition is dismissed as infructuous. No costs.'

5.In view of the above, this writ petition is dismissed as infructuous. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

vga

To

1.The Secretary,
Secretary to Government,
Public Works Department,
Fort St. George, Chennai-9.

WEB COPY

2.The Engineer-in-Chief WRO &
The Chief Engineer (General),
Public Works Department,
Chepauk, Chennai-600 005.

+1cc to Mr.S.Haja Mohideen Gisthi, Advocate, S.R.No.28721

W.P.No.24799 of 2006
and M.P.No.1 of 2006

vg ii[col
srg 16/05/2018



WEB COPY