

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 04.06.2018

CORAM:**THE HON'BLE MR.JUSTICE R.SURESH KUMAR****W.P. (MD)No.10746 of 2018****and****W.M.P. (MD) Nos.9836 & 9837 of 2018**

Arul Raj,

...Petitioner

Vs.

The Assistant Collector,
Devakottai.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the respondent in Na.Ka.No.A2/8459 dated 07.11.2017 and quash the same and consequently, directing the respondent to provide the petitioner with all back wages.

For Petitioner : Mr.RM.Arun Swaminathan

For Respondent : Mr.K.Saravanan,
Government Advocate.**O R D E R**

The prayer sought for in this Writ Petition is for a Writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the respondent in Na.Ka.No.A2/8459 dated 07.11.2017 and quash the same and consequently, direct the respondent to provide the petitioner with all back wages.

2. Heard Mr.RM.Arun Swaminathan, learned counsel appearing for the petitioner and Mr.K.Saravanan, learned Government Advocate representing the respondent.

3. The present Writ Petition was filed, challenging the impugned charge memo dated 07.11.2017 issued against the petitioner.

4. During the pendency of the writ petition, it seems that, pursuant to the issuance of charge memo, enquiry was conducted by the respondent, as they claim, and final order has also been



passed.

5. Today, when the case came up for hearing, the learned Government Advocate appearing for the respondent, produces a copy of the order made in Na.Ka.A2-8459-2017 dated 01.06.2018. On perusal of the said order, it says that, an enquiry was conducted and based on the enquiry report, punishment of withholding the increment, with cumulative effect for a period of two years was imposed on the petitioner. The said order also states that, the order imposing the said punishment will have a repercussion on the pensionary benefits of the petitioner.

6. By producing the said order dated 01.06.2018, the learned Government Advocate appearing for the respondent would further submit that, since the enquiry was completed and final order of punishment was passed on 01.06.2018 itself, there is no substance in making the present challenge against the impugned charge memo, as it has already reached its logical conclusion, by passing final order of punishment against the petitioner.

7. This Court has considered the said position that, even though the impugned charge memo is assailed in the writ petition during the pendency of the writ petition, pursuant to the impugned charge memo, enquiry was conducted, according to the respondent, and final order was passed dated 01.06.2018.

8. When that being the position, the petitioner cannot maintain the present challenge in this writ petition, against the impugned charge memo made, in view of the conclusion reached by the respondent in the disciplinary proceedings, by passing the final order of punishment against the petitioner.

9. Therefore, the challenge made in this writ petition has lost its significance and this Court, cannot go into the merits, as claimed by the petitioner. Hence, this writ petition is liable to be dismissed and accordingly, the same is dismissed. However, it is open to the petitioner to work out his remedy, challenging the final order dated 01.06.2018, by which, punishment has been imposed against the petitioner.

10. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

/True Copy/



To

The Assistant Collector,
Devakottai.

WEB COPY

+ 1 cc TO The Special Government Pleader in SR No. 66791
+ 1 cc TO Mr.RM.Arun Swaminathan , Advocate in SR No. 66853

sts

AE/SKN RSK/SAR3/06.06.2018/3P/4C

Order made in
W.P. (MD) No.10746 of 2018
04.06.2018