

HON' BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No. 8035 of 2002

ORDER:-

This writ petition is filed seeking to issue a writ of *Mandamus* directing respondent Nos.3 and 4 not to proceed with the enquiry against the petitioners in pursuance of the order dated 02.02.2002 passed by the 2nd respondent after declaring the same as illegal and arbitrary.

When the matter is taken up for hearing, nobody has appeared on behalf of the petitioners. Heard Smt.V.Umadevi, learned counsel for the respondents.

A perusal of the record discloses that the petitioners tried to stall the disciplinary proceedings initiated against them by the 2nd respondent vide proceedings dated 02.02.2002 on the ground that the action of the 2nd respondent is arbitrary, illegal and without jurisdiction.

This Court, by order dated 25.04.2002, while admitting the writ petition, granted interim suspension in W.P.M.P.No. 10027 of 2002, and thereafter, nothing progressed in the case. By virtue of the interim order, if the 2nd respondent is not competent authority, some other authority will have to enquire into the conduct of the petitioners under the guise of the interim orders and the disciplinary proceedings initiated against the petitioners cannot be stalled eternally.

Hence, this Court is inclined to dispose of the writ petition directing the respondents to take appropriate action against the petitioners after conducting detailed enquiry as per the material available after giving opportunity to the petitioners in accordance with law.

With the above direction, the writ petition is disposed of. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

27-08-2018

bcj

ABHINAND KUMAR SHAVILI, J

