

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITIONS No.2606 and 24265 OF 2008

COMMON ORDER:

1. Since the parties in both the writ petitions are one and the same, both the writ petitions are heard together and are being disposed of by this common order.
2. W.P.No.2606 of 2008 is filed by the petitioner challenging his suspension and W.P.No.24265 of 2008 is filed challenging the notice issued by the 3rd respondent proposing to impose penalty of removal on the petitioner.
3. It is informed by the learned Counsel for the petitioner that in W.P.No.2606 of 2008, on 8.2.2008, this Court issued interim direction to the respondents to continue the petitioner, while suspending the suspension order, and by virtue of the said interlocutory order, the petitioner is continuing in service. Further, it is informed that in W.P.No.24265 of 2008, on 5.11.2008, this Court granted interim suspension of notice impugned, and by virtue of the said interlocutory order, the petitioner is discharging his duties and he is at the verge of retirement.
4. The learned Standing Counsel for the respondents contended that as the petitioner is discharging his duties by virtue of the interim orders passed by this Court in the first writ petition viz., W.P.No.2606 of 2008, and subsequently, as the

respondents issued a show cause notice proposing to impose penalty of removal, W.P.No.2606 of 2008 has become infructuous and therefore, the same may be dismissed as infructuous.

5. Insofar as the second writ petition viz., W.P.No.24265 of 2008, wherein the show cause notice for removal was challenged, is concerned, in view of the fact that the petitioner is at the verge of retirement, this Court is of the view that ends of justice would be met if W.P.No.24265 of 2008 is disposed of directing the petitioner to submit an explanation to the show cause notice issued to him and directing the respondents to consider such explanation and pass appropriate orders.

6. Accordingly, W.P.No.2606 of 2008 is dismissed as infructuous and W.P.No.24265 of 2008 is disposed of directing the petitioner to submit explanation to the show cause notice issued to him and on such explanation being submitted, the respondents shall consider the same taking into consideration the fact that the petitioner is about to retire, and pass appropriate orders by taking a lenient view in favour of the petitioner. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Dated: 8th October, 2018.
Nn.

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08/10/2018

Nn.