

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.16031 & 16277 of 2008

Mohammed Hayath .. Petitioner in W.P.No.16031 of 2008  
M.Krishnan .. Petitioner in W.P.No.16277 of 2008

-vs-

The Secretary  
Tamil Nadu Public Service Commission  
Anna Salai, Chennai 600 002

.. Respondent in both the Writ Petitions

Petitions under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari, to call for the records of the respondent herein in Memo No.7501/PD-A2/04 dated 9.4.2008 and quash the same.

For Petitioners :: Mr.V.Bhiman

For Respondent :: Ms.C.N.G.Niraimathi  
Standing Counsel

ORDER

These writ petitions have been filed by the petitioners questioning the correctness of the impugned memo dated 9.4.2008, in and by which the Joint Secretary of the Tamil Nadu Public Service Commission informed the petitioners that the Commission has proposed to regulate their period of suspension as follows,

(i) To restrict the pay and allowances for the period of suspension (from 2.4.90 to 24.12.04) to the amount not exceeding the subsistence allowance and other allowances payable under Rule 53 of the Fundamental Rules.

(ii) To treat the period of suspension as non-duty, and directed them to submit their representation, if any, in this regard on or before 24.04.2008, failing which it would be construed that they have nothing to represent and the matters would be proceeded further.

2. When the matters were taken up, Ms.C.N.G.Niraimathi, learned standing counsel for the respondent submitted that the W.P.No.16277 of 2008 filed by Mr.M.Krishnan has abated in view of his death on 25.3.2013. So far as the W.P.No.16031 of 2008 filed by Mr.Mohammed Hayath is concerned, the learned standing counsel submitted that he has not submitted his explanation within the time limit and although the time was extended till 25.7.2008, he did not utilise the said opportunity also to submit his explanation.

3. Since Mr.M.Krishnan, the petitioner in W.P.No.16277 of 2008 died during the pendency of the writ petition on 25.3.2013, the said writ petition stands disposed of as abated. No costs.

4. So far as the W.P.No.16031 of 2008 filed by Mr.Mohammed Hayath is concerned, the petitioner cannot maintain the writ petition, as he has questioned the memo seeking his explanation on the proposed regulation of his period of suspension. When the petitioner had not submitted his reply within the time limit stipulated therein and also failed to utilise the opportunity by submitting his explanation even within the extended time limit granted upto 25.7.2008, this Court is not inclined to accept the prayer of the petitioner. Therefore, the W.P.No.16031 of 2008 challenging the impugned memo stands dismissed as not maintainable. No costs.

Sd/-  
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary  
Tamil Nadu Public Service Commission  
Anna Salai, Chennai 600 002.

+2cc to Mr.V.Bhiman, Advocate, S.R.No.14306, 14307

W.P.Nos.16031 & 16277 of 2008

SV(CO)  
CS/15/03/2019