

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2019

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.26151 of 2009

N.Sivaraj

.. Petitioner

Vs

The Commissioner,
HR&CE Department,
Nungambakkam,
Chennai - 34.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus to direct the respondent to consider the representation of the petitioner dated 20.10.2009 within a stipulated time.

For petitioner : Mr.T.K.S.Gandhi

For Respondent : Mr.M.Maharaja, Spl.GP

ORDER

The petitioner has filed this writ petition seeking for issuance of a writ of mandamus directing the respondent / the Commissioner, HR&CE Department, Nungambakkam, Chennai, to consider the pending representation dated 20.10.2009 of the petitioner.

2. It is stated by the learned counsel appearing for the petitioner that while the petitioner was working as Assistant in the respondent department, the officials from the Department of Vigilance and Anti Corruption raided respondent office, whereby they allegedly took a sum of Rs.50,000/- from the petitioner's table. Thereafter, a case was registered in FIR No.10/2009 and the petitioner was arrayed as Accused No.2 and subsequent to that, the petitioner was remanded on 26.06.2009. Due to the said arrest and detention for more than 48 hours, the petitioner was suspended from the services with effect from 27.06.2009 by the respondent. Subsequently, although the petitioner made a representation dated 20.10.2009

requesting to revoke the suspension order, the same has not been considered till date.

3. It is at this stage, the learned Special Government Pleader appearing for the respondent stated that pending representation dated 20.10.2009 of the petitioner had already been considered by the respondent on 15.09.2010 itself rejecting his request to revoke the order of suspension passed by the respondent.

4. Therefore, since the prayer of the petitioner to pass orders on his pending representation dated 20.10.2009 had already been considered by the respondent on 15.09.2010 itself, nothing survives for further adjudication in this matter. Accordingly, the writ petitioner is dismissed as infructuous. No Costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rkm

To

The Commissioner,
HR&CE Department,
Nungambakkam, Chennai - 34.

+1 cc to The Special Government Pleader, Sr.No.16804

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BR(CO)
CSL/15.03.2019