

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 20.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

WP.No.7911 of 2019

G.Kothandan

...Petitioner

Vs

1.The Commissioner &
Special Officer,
Corporation of Greater Chennai,
Rippon Buildings,
Chennai.

2.The Zonal Deputy
Commissioner (North),
North Zone Office,
Greater Chennai Corporation,
No 61, Basin Bridge Road,
Chennai - 600021.

3.The Deputy Collector (Administration),
North Zone Office,
Greater Chennai Corporation,
No 61, Basin Bridge Road,
Chennai - 600021.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the 1st respondent to consider and pass orders on the appeal dated 31.01.2019 preferred by the petitioner against the order of dismissal issued by the 2nd respondent in proceedings VaVa.A.Na.Ka.No.A12/2856/2018 dated 25.07.2018 within a stipulated period of time in accordance with law and merits.

For Petitioner : Ms.Swadhi Subramaniam

For Respondents: Mrs.Karthikaa Ashok,
SC for Chennai Corporation

O R D E R

The limited prayer sought for in the present writ petition is for a direction to the 1st respondent to dispose of the petitioner's appeal dated 31.01.2019, within stipulated time.

2. It is the submission of the learned counsel for the petitioner that the disciplinary proceedings had ended in the petitioner's favour and the order of dismissal was solely on the ground that the petitioner was convicted in a criminal case. Subsequently, since the order of conviction came to be set aside in CrI.A.No.89 of 2011 dated 05.10.2018, the very basis of the order of dismissal had become redundant and therefore, the petitioner was entitled for re-instatement. Since the order of dismissal was made on 25.07.2018, there was a time period of 60 days to prefer a statutory appeal. However, the order setting aside the conviction in the appeal was passed on 05.10.2018 and the order copy came to be made ready on 29.10.2018. Hence, the petitioner had thereafter preferred the appeal on 31.01.2019. It is also submitted by the learned counsel for the petitioner that soon after the conviction was set aside, the petitioner had made a representation to the 2nd respondent requesting to set aside the order of dismissal and re-instate him. Further, the 2nd respondent had advised the petitioner to approach the appellate authority. In these circumstances, the appeal has been made.

3. In my view, the delay in preferring an appeal has been properly explained before this Court in the writ petition and therefore, it would not be appropriate for the appellate authority to cite the reason of delay in preferring the appeal while disposing of the same.

4. In the light of the above observations, there shall be a direction to the 1st respondent herein to dispose of the petitioner's appeal dated 31.01.2019, within a period of 60 days from the date of receipt of copy of this order.

5. Accordingly, the writ petition stands ordered. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

- 1.The Commissioner & Special Officer,
Corporation of Greater Chennai,
Rippon Buildings,
Chennai.
- 2.The Zonal Deputy Commissioner (North),
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- 3.The Deputy Collector (Administration),
North Zone Office,
Greater Chennai Corporation,
No 61, Basin Bridge Road,
Chennai - 600021.

+1cc to Mr.R.Prem Narayan, Advocate sr.no.26234
+1cc to Mrs.Karthikaa Ashok, Advocate sr.no.26127

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nr 25/03/2019



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