

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.05.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.Nos.15091 of 2019
and WMP.No.15071 of 2019

V.Asokan

... Petitioner

Vs.

1. Government of Tamil Nadu,
Represented by its Home Secretary,
Home Department,
St. George Fort,
Chennai 600 009.
2. Director General of Police,
Office of the Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai 600 004.
3. Deputy Inspector General Police, Railways,
Office of the Deputy General of Police, Railways,
Old Commissioner of Office,
Commissioner Office Road,
Egmore, Chennai 600 008.
4. Superintendent of Police,
Office of the Superintendent of Police,
Government Railway Police,
Varadharajulu Street,
Poonamallee High Road,
Egmore, Chennai 600 008.

... Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the 4th respondent, the Memo dated 22.04.2019 in Na.Ka.No.G3/10331/17 passed by the 4th respondent and quash the same, and to direct the 1st respondent to dispose of the petitioner's appeal pending before the 1st respondent within a stipulated time.

For Petitioner : Ms.K.Mahendran

For Respondents : Mr.M.Elumalai,G.A.

O R D E R

This petition has been filed to quash the Memo dated 22.04.2019 in Na.Ka.No.G3/10331/17 passed by the 4th respondent and to direct the 1st respondent to dispose of the petitioner's appeal pending before them within a stipulated time.

2. The grievance of the petitioner is that he was dismissed from service, as against which, he has filed an appeal before the first respondent on 04.01.2016, and the said appeal has not been disposed of till now. However, on 22.04.2019, the impugned memo has been issued to vacate the premises occupying by the petitioner.

3. It is the contention of the learned counsel for the petitioner that after removal from service, the petitioner's family is already struggling and if the memo is not quashed, the petitioner's children would be affected as they are pursuing education.

4. I am of the view that since the service of the petitioner was already dispensed with and the appeal is pending, as a matter of right, the petitioner cannot retain the quarters and therefore, the impugned memo cannot be quashed.

5. Taking into consideration of the fact that the appeal is pending for more than three years, this Court directs the first respondent to dispose of the appeal on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this order. Till such time, the impugned memo shall be kept in abeyance.

6. With the above observation and directions, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

pvs

To

1. The Home Secretary,
Government of Tamil Nadu,
Home Department,
St. George Fort,
Chennai 600 009.
2. Director General of Police,
Office of the Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai 600 004.
3. Deputy Inspector General Police, Railways,
Office of the Deputy General of Police, Railways,
Old Commissioner of Office,
Commissioner Office Road,
Egmore, Chennai 600 008.
4. Superintendent of Police,
Office of the Superintendent of Police,
Government Railway Police,
Varadharajulu Street,
Poonamallee High Road,
Egmore, Chennai 600 008.

+1cc to Mr.K.Mahedran, Advocate Sr.44378

W.P.Nos.15091 of 2019

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srg 08/07/2019

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