

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2019

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THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Petition No.3420 of 2017
and WMP No.3405 of 2017

Union of India
rep. by the Under Secretary to
Government of India,
Ad-V Section,
Office of the Chief Vigilance Officer,
Central Board of Excise & Customs,
Department of Revenue,
Ministry of Finance,
6th Floor, Hudco Vishala Building,
Bhikaji Cama Place,
New Delhi - 110 066.

.... Petitioner

Vs

Mr.V.S.Sundararajan

.... Respondent

Prayer:-

PETITION filed under Article 226 of The Constitution of India for issuance of Writ of Certiorari to call for the records of the Central Administrative Tribunal Madras Bench in O.A.No.1013 of 2014 dated 06.04.2016 and quash the same.

For Petitioner : Mr.T.R.Senthil Kumar

For Respondent : Mr.P.Kumaravel
for M/s.M.Ravi

O R D E R

(Order of the Court was made by K.K.SASIDHARAN, J.,)

The Original Application filed by the respondent was disposed of by the Central Administrative Tribunal, Madras Bench by order dated 06.04.2016. The Tribunal directed the petitioners to keep the disciplinary proceedings in abeyance

till a decision is taken by the High Court in the Criminal Appeal No.248 of 2013. The said order is under challenge in the Writ Petition.

2. We are informed that during the currency of the Writ Petition, the appeal filed by the respondent challenging the judgment dated 12.03.2013 in C.C.No.33 of 2010 on the file of the XII Additional Special Judge for CBI Cases, Chennai was allowed resulting in his acquittal. In view of the subsequent events we passed the following order on 11.06.2017. The order reads thus:

'The Chennai Branch of the Central Administrative Tribunal directed the petitioners to keep the disciplinary proceedings initiated against the respondent in abeyance till the conclusion of the criminal appeal pending before the High Court. Feeling aggrieved by the said order, the petitioners have come up with this Writ Petition.

2. When the Writ Petition is taken up for hearing, learned Standing Counsel for the petitioners, on instruction, submitted that during the currency of the Writ Petition, the High Court allowed the Criminal Appeal and set aside the conviction and sentence passed by the trial Court. According to the learned counsel, a decision would be taken very shortly by the Central Board of Indirect Taxes and Customs to decide as to whether the proceedings should be continued against the respondent or as to whether he should be exonerated taking into account the judgment of acquittal passed by the High Court.

3. Let a decision be taken by the petitioners as expeditiously as possible and report before the Court positively by 09.07.2019.

4. List on 09.07.2019.'

3. When the Writ Petition is taken up for hearing today, learned Standing Counsel for the petitioner by producing a copy of the communication dated 04.07.2019 and the order dated 03.07.2019 submitted that a decision was taken to close the disciplinary proceedings initiated against the respondent on account of the decision taken by the CBI not to challenge the judgment of acquittal passed by the High Court in Criminal Appeal No.248 of 2013. The order No.12 of 2019 dated 03.07.2019 is taken on file.

4. Since the petitioner has taken a decision to close the disciplinary proceedings initiated against the respondent, nothing further survives for adjudication.

5. The Writ Petition is disposed of with the above observation. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

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To

+lcc to M/s.M.Ravi, Advocate, S.R.No.58007

+lcc to Mr.T.R.Senthil Kumar, Advocate, S.R.No.57690

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RSV(CO)
CS/30/09/2019