

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2020

CORAM

THE HONOURABLE THIRU JUSTICE V. PARTHIBAN

W.P.No.8510 of 2020

and

W.M.P.No.10277 of 2020

K.Arul Stalin

... Petitioner

vs.

1.The Assistant Security Commissioner,
Railway Protection Force,
Integral Coach Factory,
Chennai-600 038.

2.The Post Commander/Enquiry Officer,
(PC/GPD and EO),
Railway Protection Force,
Gummudipoondi.

..... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the Proceedings of DAR enquiry conducted by the 2nd respondent against the petitioner at the office of PC/GPD vide memorandum No.P/X/D &AR/R.153/01/2013 dated 04.04.2013, and quash the same and consequently direct the 2nd respondent not to conduct the Proceedings pending completion of the Criminal Trial in C.C.No.2825 of 2013 on the file of VI Metropolitan Magistrate, Egmore, Chennai.

For Petitioner

: Mrs.C.Umashankar

For Respondents

: Mr.J.Ramesh

Additional Government Pleader

ORDER

The matter is taken up through web hearing.

2.The writ petition is filed with the following prayer:

"to call for the records pertaining to the Proceedings of DAR enquiry conducted by the 2nd respondent against the petitioner at the office of PC/GPD vide memorandum No.P/X/D &AR/R.153/01/2013 dated 04.04.2013, and quash the same and consequently direct the 2nd respondent not to conduct the Proceedings pending completion of the Criminal Trial in C.C.No.2825 of 2013 on the file of VI Metropolitan Magistrate, Egmore, Chennai".

3.The facts would disclose that the same impugned proceedings is the subject matter of challenge before this Court in W.P.No.17321 of 2013, which was dismissed by a learned Single Judge, on 03.01.2019, against which, the petitioner appears to have filed a Writ Appeal in W.A.No.1580 of 2019 and the learned Division Bench stayed the impugned proceedings, on 17.06.2019. The grievance of the petitioner herein is that despite the staying of impugned proceedings, the Department is going ahead with the enquiry proceedings and has issued intimation to attend the enquiry pursuant to the proceedings, which is the subject matter of Writ Appeal, pending before this Court.

4.This Court is unable to comprehend as to how such a writ petition could be maintained before the Single Judge of this Court, when a Writ Appeal is pending finalization in regard to the same subject matter, before the Division Bench.

5.The learned counsel for the petitioner Ms.Geetha would submit that the interim order passed by the Division Bench could not be extended and hence, she is moving the present writ petition before this Court.

6.The reasoning of the learned counsel for the petitioner is completely unacceptable and such a reason cannot be the basis for filing another writ petition for the same subject matter pending consideration before the Division Bench. Prima facie it is gross abuse of process of Court in filing this writ petition and therefore, it has to be rejected outright, as being not maintainable. Accordingly, the writ petition is dismissed as not maintainable. No costs. Consequently, the connected

miscellaneous petition is dismissed.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Assistant Security Commissioner,
Railway Protection Force,
Integral Coach Factory,
Chennai-600 038.

2.The Post Commander/Enquiry Officer,
(PC/GPD and EO),
Railway Protection Force,
Gummudipoondi.

3.The VI Metropolitan Magistrate
Egmore Chennai

4.-do-Thro The Chief Metropolitan Magistrate
Egmore, Chennai

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W.P.No.8510 of 2020

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