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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 13.08.2021

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P.NO.5552 OF 2009

N.Suresh

... Petitioner

.Vs.

1. The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai - 600 003.
2. The Government of Tamilnadu,
Rep. by its Secretary,
Municipal Administration and Water
Supply Department,
Fort St. George,
Chennai - 600 009.
3. The Government of Tamilnadu,
Rep. by its Secretary,
Health and Family Welfare Department,
Fort St. George,
Chennai - 600 009.
4. R.Ramakrishnan
5. Tmt.M.S.Renuka
6. S.Padmanabhan

... Respondents

PRAYER:-

Writ petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the records relating to the proceedings of the 1st Respondent dated 18.02.2009 vide F.W & M.C.H.C No.F4/2412/2008 and quash the same and direct the official respondents to consider the claim of the petitioner to the post of Deputy Communication Officer, in the light of the orders of this Court dated 17.06.2008 and 11.08.2008 passed in W.P.No.18309 of 2001 and W.P.No.18902 and 18903 of 2008 respectively and the representation of the petitioner dated 26.09.2008, either by the method of deputation or by the method of direct recruitment in



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relaxation of the relevant rules (i.e., adhoc rules) including the upper age limit within such reasonable time as may be stipulated by this Court.

For Petitioner : Mr.J.Lakshmi Narayanan
For Mr.P.Rajendran

For Respondents : Ms.Karthikaa Ashok for R1

Mr.C.Selvaraj
Government Advocate
For R2 and R3

No appearance
For R4 and R6

Mr.P.Seshadri for R5

ORDER

Mr.J.Lakshmi Narayanan, learned counsel representing the counsel on record for sole writ petitioner, Ms. Karthikaa Ashok, learned Standing Counsel for Chennai Corporation on behalf of first respondent, Mr.C.Selvaraj, learned State counsel on behalf of Respondents 2 and 3 (official respondents) and Mr.P.Seshadri, learned counsel on behalf Respondent No.5 (private respondent) are before this Virtual Court. To be noted, Respondents 4 and 6 are also private respondents. They have entered appearance through a counsel (Mr.Devi Sankar) and name of the counsel is also shown in the cause list, but there is no representation.

2. Be that as it may, an order dated 18.02.2009 made by the first respondent giving promotion inter alia to the private respondents has been assailed by the writ petitioner saying he has been overlooked and he has not been considered for promotion. Learned Standing Counsel for Chennai Corporation, on instructions, submits that the impugned order has since been rescinded i.e., there has been a roll-back and impugned order has been rescinded vide G.D.Na.Ka.No.E2/23642/2015 dated 03.03.2016. Learned Standing Counsel for Chennai Corporation also goes on to say that these proceedings rescinding the impugned order have since been challenged by the three private respondents in the captioned writ petition by way of a separate writ petition being W.P.No.18060 of 2016.

3. As the impugned order has been rescinded and the impugned order has been assailed by way of a separate proceedings, if the stated position of Chennai Corporation Standing Counsel is recorded, that would draw the curtains on the captioned writ



petition. Captioned writ petition is disposed of as closed without expressing any opinion on the merits of the matter leaving open all questions to be adjudicated in the subsequent writ petition assailing the order rescinding the impugned order. There shall be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gpa

To

1. The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai - 600 003.
2. The Secretary,
The Government of Tamilnadu,
Municipal Administration and Water
Supply Department,
Fort St. George,
Chennai - 600 009.
3. The Secretary,
The Government of Tamilnadu,
Health and Family Welfare Department,
Fort St. George,
Chennai - 600 009.

+1cc to Mr.P.Rajendran, Advocate, S.R.No.41052
+1cc to Ms.Karthikaa Ashok, Advocate, S.R.No.40658
+1cc to the Government Pleader, S.R.No.40741

W.P.NO.5552 OF 2009

PMK(CO)
PBS/08/09/2021