

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2021

CORAM

THE HON'BLE MR.JUSTICE R. SURESH KUMAR

Writ Petition No.38141 of 2005

N.Srinivasan

... Petitioner

-Vs-

1. The Managing Director
Tamil Nadu Housing Board
Nandanam, Chennai-35.

2. The Secretary and Personal Officer
Tamil Nadu Housing Board
Nandanam, Chennai-35.

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus to call for the records on the file of the 1st respondent in proceedings Memo No.DC 4/13521/2001-5 dated 22.11.2001 and Memo No.DC 4/13521/2001-7 dated 2.9.2005 and quash the same as illegal incompetent and without jurisdiction.

For Petitioners :Mr.V.Raghavachari

For Respondents :Mr.R.Bharath Kumar, Standing Counsel

O R D E R

The prayer sought for herein is for a Writ of Certiorarified Mandamus to call for the records on the file of the 1st respondent in proceedings Memo No.DC 4/13521/2001-5 dated 22.11.2001 and Memo No.DC 4/13521/2001-7 dated 2.9.2005 and quash the same as illegal incompetent and without jurisdiction.

2. That the petitioner was working as Executive Engineer at the respondent Board at Vellore Housing Unit. While he was working, there was a disciplinary proceedings against him, where charges were framed against him, pursuant to which, enquiry was conducted and the Enquiry Officer has given a report that, the charges 1 and 2 have not been proved. However, not agreeing

with the said view of the Enquiry Officer, the disciplinary authority ie., the first respondent, by his proceedings dated 02.09.2005, issued show cause notice seeking show cause from the petitioner within two weeks, as to why the disciplinary authority shall not take a different view and as per the annexure along with the show cause notice issued by the first respondent, the reasons had been given for holding the charges as proved, disagreeing with the findings of the Enquiry Officer. Challenging the said show cause notice, with the annexure issued by the first respondent for disagreeing with the views expressed by the Enquiry Officer, the petitioner has filed this writ petition with the aforesaid prayer.

3. When the writ petition is taken up for final hearing today, Mr.R.Bharath Kumar learned Standing Counsel for the respondent Housing Board would submit that, during the pendency of the writ petition, pursuant to the impugned proceedings dated 02.09.2005, ultimately final order was passed by the disciplinary authority, ie., the first respondent on 27.12.2005 seeking for recovery of a sum of Rs.12,00,000/- from the petitioner, as against which he preferred appeal to the Government and that appeal was also rejected by the order of the Government dated 23.10.2007. As against the said order passed by the disciplinary authority as well as appellate authority, the petitioner filed writ petition in W.P.No.2829 of 2008, which was disposed of by this Court by order dated 03.06.2012, whereby this Court has directed the respondent Housing Board to release the retirement and pensionary benefits to the petitioner with interest for belated payment, as the petitioner had already retired even prior to 2005.

4. By making these submissions explaining the subsequent developments taken place in this regard, the learned counsel for the respondent Housing Board would submit that, in view of the subsequent development and pursuant to the orders dated 03.06.2012, the pensionary benefits has been disbursed to the petitioner and hence nothing survives in this writ petition for further adjudication.

5. Recording the said submissions made by the learned Standing Counsel for the Housing Board, this Court feels that, in view of the subsequent development in the writ petition as has been stated by the Standing Counsel for the respondent, no further issue is pending in this writ petition to be persuaded by the petitioner and therefore this writ petition has become infructuous.

6. Accordingly, this writ petition is dismissed as infructuous. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

KST

To

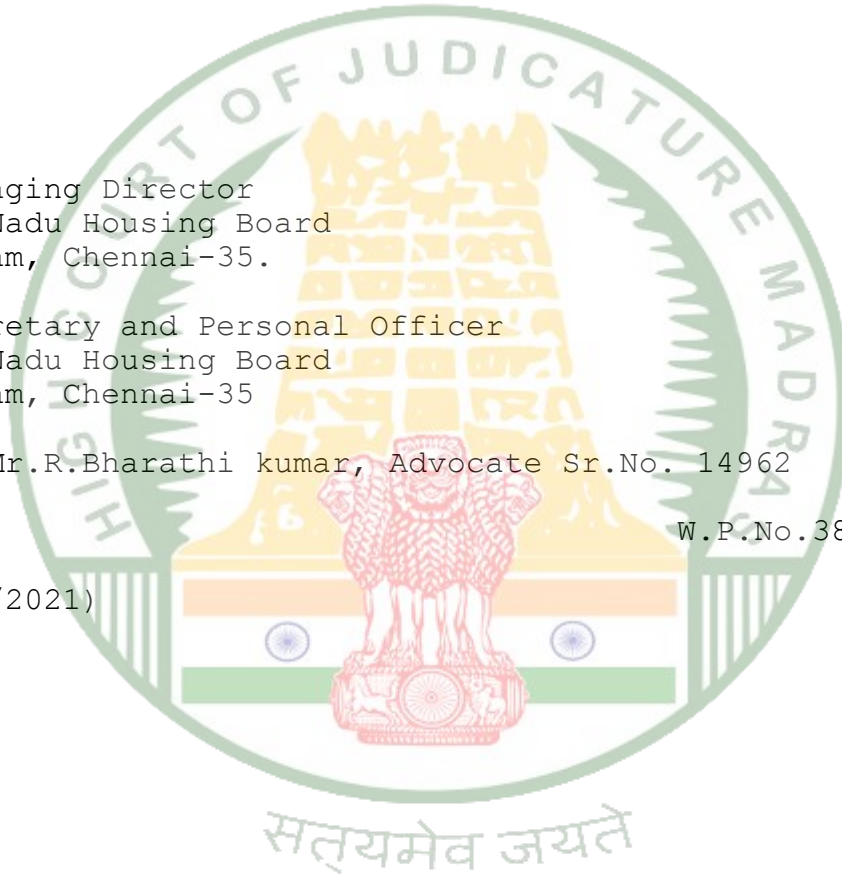
1.The Managing Director
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+1 cc to Mr.R.Bharathi kumar, Advocate Sr.No. 14962

W.P.No.38141 of 2005

PA (CO)
RMP (24/03/2021)



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