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W.P.No.16014 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2023

CORAM

THE HONOURABLE MR. JUSTICE Dr.D.NAGARJUN

W.P.No.16014 of 2015

AR.Kumaar

... Petitioner

Vs.

1. Union of India,
Rep. by the Chief Secretary to Government,
Chief Secretariat, Pondicherry.

2. The Secretary to Government,
Department of Personnel and Administrative Reforms,
Chief Secretariat, Puducherry.

3. R.Malathi,
Joint Project Director,
Project Implementation Agency,
5th floor, Kamarajar Educational Complex,
Puducherry-5.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the 1st respondent to take necessary Disciplinary Action against the 3rd respondent on the basis of the petitioner's representation dated 30.04.2015



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For Petitioner : Mr.K.Sathiyavel

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For Respondents 1 & 2 : Mr.G.Djearany, Government Advocate

ORDER

The petitioner has filed the writ of Mandamus, directing the 1st respondent to take necessary Disciplinary Action against the 3rd respondent on the basis of the petitioner's representation dated 30.04.2015.

2. The facts in brief as stated in the affidavit of the petitioner are that the petitioner is the Joint Secretary of the Puducherry Khadi Grama Thozhil Vaaria Paniyalargal Nala Sangam. He had earlier filed W.P.No.19578 of 2019 before this Court in the nature of Quo Warranto, questioning under what authority Mr.G.Ganesan (third respondent therein) was holding the post of the Deputy Chief Executive Officer of the Pondicherry Khadi & Village Industries Board, Puducherry, which was dismissed on 11.11.2014, against which the petitioner again filed a Writ Appeal No.1511 of 2014 which is pending before this Court. It is submitted by the learned counsel for the petitioner that Thirumathi.P.Malathi, Chief Executive Officer in Puducherry Khadi and Village Industries Board have not taken any steps to



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verify any file of appointment and the Court case regarding the illegal appointment of the said Mr.G.Ganesan as Deputy Chief Executive Officer of Puducherry Khadi and Village Industries Board, though a notice was served on her also and she was well aware of the pendency of the above said case. Thereby, the Chief Executive Officer of the said Board hastily passed an order in favour of the said Mr.G.Ganesan.

3. Thereafter, the petitioner gave a complaint on 30.01.2015 to the first respondent to initiate suitable disciplinary action against the said Thirumathi.P.Malathi, former Chief Executive Officer of the Khadi Board for abuse of power by duly enclosing the copy of the affidavit filed in support of the W.A.No.1511 of 2014. The petitioner also appraised the same to the Chief Executive Officer by making a representation on 30.04.2015 about the illegalities going on in the Khadi Board. However, no action is taken so far, hence the petitioner is constrained to move the present writ petition.

4. Learned counsel for the respondents has submitted that the third



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respondent retired from service in the year 2016 and thereby, the representation of the petitioner to suspend the third respondent could not be attended. Learned counsel for the second respondent has requested three weeks time to dispose of the representation of the petitioner.

5. Considering the facts and circumstances of the case, the second respondent is directed to consider and disposed of the representation of the petitioner dated 30.04.2015 addressed to the first respondent as quickly as possible, not later than three (3) weeks from the date of receipt of a copy of this order.

6. With the above directions, this writ petition stands **disposed of**.

No costs.

20.10.2023

Index : Yes
Speaking Order
Neutral Citation : Yes
(sha)

To



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Dr.D.NAGARJUN. J.,

(sha)

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