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W.P.No.17423 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.No.17423 of 2023

N.Sivalingam

... Petitioner

Vs.

The State of Tamil Nadu,
Represented by its
Additional Chief Secretary to Government,
Home (Transport II) Department,
Secretariat, Chennai - 600 009.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to consider the petitioner's representation dated 31.03.2023 and pass appropriate orders as per law within a specified period.

For Petitioner	: Mr. A.Ganesan
For Respondent	: Mr. P.Sanjay Gandhi Government Advocate

ORDER

The petitioner seeks issuance of a Writ of Mandamus, to direct the respondent to consider his representation dated 31.03.2023.



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2. On a perusal of the affidavit filed in support of this writ petition, it is seen that the petitioner was suspended based on a Charge Memo dated 28.10.2008, just three days prior to his retirement from service on 31.10.2008 and subsequently, he was not permitted to retire from service on the date of his superannuation.

3. The grievance of the writ petitioner is that the respondent has not passed final orders and despite his writ petition in W.P.No.16626 of 2015 being allowed with a direction and W.P.No.37073 of 2016 quashing the disciplinary proceedings initiated against the petitioner.

4. It is also seen that W.A.No.2715 of 2019 filed against the order in W.P.No.37073 of 2016 was allowed by the Hon'ble Division Bench of this Court.

5. The limited prayer sought for by the writ petitioner in this writ petition is that despite the direction to the respondent to pass final orders in the Charge Memo, within a period of two weeks, the respondent has not taken any action.



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6. In this connection, the petitioner has submitted his representation to the respondent on 31.03.2023 and he seeks for the said representation being disposed of.

7. Mr.P.Sanjay Gandhi, learned Government Advocate for the respondent however submits that in addition to the representation, which was already been given to the Additional Chief Secretary to the Government, Home (Transport II) Department, Secretariat, Chennai on 31.03.2023, the representation ought to have been given to the Commissioner of Transport Department, Ezhilagam, Chepauk, Chennai - 5 and his inputs would be vital for the Secretary to the Government, Home (Transport II) Department, Fort St. George, Chennai - 9, to act on the representation of the writ petitioner.

8. Recording the above submission of the learned Government Advocate for the respondent, the petitioner is directed to give a fresh representation to the Secretary to the Government, Home (Transport II) Department, Fort St. George, Chennai - 9 as well as the Commissioner of Transport Department, Ezhilagam, Chepauk, Chennai - 5 enclosing a copy of the representation dated 31.03.2023,



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within a period of two weeks from the date of receipt of a copy of this order and thereafter, the Secretary to the Government, Home (Transport II) Department, Fort St. George, Chennai -9, shall pass orders on the same on merits and in accordance with law, within a period of six weeks thereafter.

9. This Writ Petition is disposed of accordingly. No costs.

13.06.2023

Index : Yes / No

Internet : Yes / No

Speaking Order/Non-Speaking Order

Neutral Citation : Yes / No

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To

The Additional Chief Secretary,
Government of Tamil Nadu,
Home (Transport II) Department,
Secretariat, Chennai - 600 009.



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P.B.BALAJI, J.

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