



W.P.(MD)No.19014 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED:23.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.19014 of 2022

and

W.M.P(MD)Nos.13887 and 13889 of 2022

and

W.M.P(MD)No.23035 of 2022 &

Cont.P(MD)No.1848 of 2022

W.P(MD)No.19014 of 2022:

G.AAshokkumar

... Petitioner

Vs.

1.The Principal Secretary/Transport Commissioner,
Chepauk,
Chennai – 5.

2.The Regional Transport Officer,
Pudukottai.

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the order passed in Proc.R.No.47427/VB1/2020 dated 23.01.2020 and subsequent proceedings in Proc.R.No.47427/VB1/2019 dated 04.02.2022 by the respondent and quash the same and further to direct the respondent to reinstate the petitioner.



W.P.(MD)No.19014 of 2022

Cont.P(MD)No.1848 of 2022:

WEB COPY

G.Ashok Kumar

... Petitioner/Petitioner

vs.

1.L.Nirmal Raj, I.A.S.,
Principal Secretary / Transport Commissioner,
Chepauk,
Chennai .

2.P.Jaishankar,
S/o.Pakkirisamy,
Regional Transport Officer,
Pudukottai.

... Contemnors/Respondents

Prayer: Writ Petition is filed under Section 11 of the Contempt of Courts Act, to punish the contemnors for their wilful disobedience of the interim order dated 22.08.2022 passed in W.M.P(MD)No.13889 of 2022 in W.P(MD)No.19014 of 2022.

(In Both W.P., and Cont.P)

For Petitioner

: Mr.T.S.Mohammed Mohideen

For Respondents

: Mr.G.V.Vairam Santhosh,
Additional Government Pleader

COMMON ORDER

Since the issue arises in the writ petition as well as the contempt petition is one and the same, they are taken up together and disposed of, by way of this common order.

2/7



W.P.(MD)No.19014 of 2022

WEB COPY

2. This writ petition has been filed to quash the order passed by the first respondent in Proc.R.No.47427/VB1/2020, dated 23.01.2020 and the subsequent order in Proc.R.No.47427/VB1/2019, dated 04.02.2022 and to further direct the respondent to reinstate the petitioner.

3. The case of the petitioner is that he was working as Motor Vehicle Inspector (Grade I). While so, he was placed under suspension on 23.01.2020 alleging that he tampered the chassis number of the vehicles and registered the same and thereby caused revenue loss to the Government to the tune of Rs.2,25,000/-. Challenging the suspension order, the petitioner filed a writ petition in W.P(MD)No.1655 of 2020. Subsequently, a charge memo was issued on 18.05.2020. Challenging the same, the petitioner filed a writ petition in W.P(MD)No.8338 of 2020. Both the writ petitions were disposed of by way of a common order with a direction to consider the request of the petitioner in terms of the ratio laid down in *Ajay Kumar Choudary vs. Union of India* reported in **2015 2 SCC 291** and conclude the departmental proceedings within three months. Pursuant to which, the

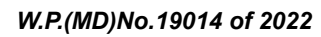


W.P.(MD)No.19014 of 2022

present impugned order is passed rejecting the request of the petitioner for revocation of the order of suspension. Challenging the same, the petitioner has filed this writ petition with the aforesaid prayer.

4. This Court while entertaining the writ petition, granted an order of interim stay. Alleging that the said interim order was not complied with, the petitioner filed the present contempt petition in Cont.P(MD)No.1848 of 2022.

5. The learned counsel appearing for the petitioner would submit that in the case of one Mr.N.Sundaraman, who involved in similar type of allegation as that of the petitioner, suspension order was revoked vide order of the Chief Secretary/Transport Commissioner in R.No.47427/VB1/2019, dated 11.11.2020. Hence, it would suffice, if the petitioner is granted liberty to make a representation to the first respondent and the first respondent is directed to dispose of the representation of the petitioner made, on merits and in accordance with law, within a specified period.



6. The learned Additional Government Pleader appearing for the

7. Considering the limited request made by the learned counsel for

8. With the above direction, this Writ Petition is disposed of. No



W.P.(MD)No.19014 of 2022

WEB COPY

9. In view of the order passed in the main writ petition, this contempt petition is closed.

23.01.2023

NCC:Yes/No

Index:Yes/No

pm

To:

1.The Principal Secretary/Transport Commissioner,
Chepauk,
Chennai – 5.

2.The Regional Transport Officer,
Pudukottai.



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W.P.(MD)No.19014 of 2022

M.DHANDAPANI, J.

pm

W.P.(MD)No.19014 of 2022
and
Cont.P(MD)No.1848 of 2022

23.01.2023