



W.P.(MD)No.11741 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 03.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.11741 of 2016

S.Ramesh Kumar

... Petitioner

versus

The Additional General Manager,
Ordnance Factory,
Ministry of Defence,
Trichy-16.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the respondent to consider petitioner's representation dated 15.02.2016 and pass order within a stipulated time to Frame Rules or Code of Conduct For Election of Works committee in Ordnance Factory, Trichy.

For Petitioner : Mr.N.Marimuthu
for Mr.A.Chandrakumar
For Respondent : Mr.S.Jeyasingh



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ORDER

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This Writ Petition is filed for writ of Mandamus, to direct the respondent to consider the petitioner's representation dated 15.02.2016 and pass an order within the stipulated time.

2. Since there are no rules or procedure to conduct Works Committee Election in the Ordnance Factory, Trichirapalli, the petitioner made a representation to the respondent to frame the rules or code to conduct election in ordnance Factory and the same was not considered by the respondent. Hence, the present writ petition has been filed.

3. The learned counsel for the petitioner has made a specific allegation that there are discrimination and the respondent is not giving importance to the independent candidates. Though the writ petition was filed in the year 2016, the respondent has not filed any counter affidavit nor offered any reply to the averments made in the writ petition.



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4. When the matter came up for hearing on 04.07.2016, the learned Assistant Solicitor General took notice on behalf of the respondent and sought time for filing counter affidavit and the matter was adjourned to 02.08.2016. When the matter came up for hearing on 20.02.2023, there was no representation on behalf of the respondent and this Court adjourned the case for the appearance of the learned Deputy Solicitor General. Thereafter, the matter came up for hearing on 23.02.2023 and even on that date, none appeared on behalf of the respondent. Therefore, the matter was adjourned to 28.02.2023.

5. On 28.02.2023, Mr.P.Subbiah, learned Central Government Senior Panel counsel, submitted that he is not appearing in this matter, however, his name has been wrongly printed in the cause list. The Registry has pointed out that one Mr.S.Jeyasingh, learned Senior Panel Counsel for Government of India, has filed appearance on behalf of the respondent on 21.02.2023. However, there is no representation on his behalf, as well.



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6. Thereafter, the case is posted today (03.03.2023). Mr.S.Jeyasingh, learned counsel for the respondent is present before this Court and he seeks further time.

7. This writ petition filed in the year 2016 is pending without any progress. Though notice was served on the respondent, the respondent did not responded to this petition with any counter. Though sufficient opportunities were provided to the respondent, the respondent neither raised any objection to the allegation made in the writ petition nor filed any counter. Accordingly, this writ petition is allowed and the respondent is directed to consider the petitioner's representation dated 15.02.2016 and take appropriate action to ensure fair election is conducted in the Ordnance Factory, Trichirapalli. No Costs.

03.03.2023

NCC : Yes / No.
Index : Yes / No.
Internet : Yes / No.
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To
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B.PUGALENDHI, J.

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