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W.P.No.4118 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.4118 of 2023
and WMP Nos.4173 & 4175 of 2023

N.B.Saravanan
Son of N.K.Bojan
THICO Silk Weavers Co-operative Society
Member No.2953
94/1, 6th Cross Street
Kamaraj Nagar, Thirubuvanam
Thiruvidaimarudhur Taluk
Thanjavur District.

... Petitioner

-Vs-

- 1.The Principal Secretary to Government
Handloom Textiles and Khadi (E2) Department
St.George Fort
Chennai.
- 2.The Commissioner of Handlooms
The Office of the Commissioner of Handloom
Chennai-600 108.
- 3.The Joint Director of Handlooms
The Office of the Director of Handloom and Textiles
Chennai 600 108.
- 4.The President
Z-322, Thirubuvanam Silk Handloom Weavers
Co-operative Society Limited
Thirubuvanam, Thanjavur District.



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5.Mr.A.Mahalingam

6.The Director

The Office of the Director
Silk Development Department
Salem 636 007.

7.Mrs.M.Jayalakshmi

8.S.Kamalambika

9.R.Sumithira Devi

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the impugned Government passed in G.O.Ms.No.06 dated 10.01.2023, on the file of the 1st respondent herein to quash the same as illegal and direct the 2nd respondent to expedite the proceedings initiated under Na.Ka.No.17903/Tho.Ko1/2021.

For Petitioner : Mr.Sunny Sheen
for Mrs.V.Srimathy

For Respondents : Mr.P.Balathandayutham
Special Government Pleader
for R1 to R3

Mr.Bindran
Additional Government Pleader
for R4

ORDER

This writ petition was filed challenging the impugned Government Order passed in G.O.Ms.No.6, dated 10.01.2023 by the 1st respondent and for a direction to the 2nd respondent to expedite the proceedings initiated in Na. Ka.No.17903/ Tho.Ko1/2021.



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2.The grievance of the petitioner is that the 5th respondent in his capacity as a Managing Director of 4th respondent Co-operative Society committed various illegalities. The petitioner gave a complaint to the official respondents. Proceedings were also initiated by the 2nd respondent and the petitioner was also summoned as a witness. The impugned Government Order was passed appointing the 5th respondent Officer on special duty inspite of grave charges against the 5th respondent. It is under these circumstances, the writ petition was filed before this Court.

3.When the matter came up for hearing on 19.08.2024, this Court passed the following order:

The learned counsel appearing for the fifth respondent submitted that due to a subsequent development, the post of Officer on Special Duty itself was done away with and the fifth respondent has now been posted elsewhere. The learned counsel seeks for some time to file an affidavit to that effect.

2. The other issue pertains to a complaint given by the petitioner against the fifth respondent and the other members of the fourth respondent Society. Even though it is stated in the counter affidavit that the enquiry was conducted and the report has been given, the report does not form part of the typed set of papers filed by the first respondent. The learned Special Government Pleader filed the copy of the report dated 20.03.2023 and a copy of the same was also furnished to the learned counsel for the petitioner. The learned counsel for the petitioner shall take instructions in this



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regard.

3. Post this case under the caption 'for orders' on 23.08.2024.

4. When the matter was taken up for hearing today, the affidavit of the 5th respondent was filed. The relevant portions are extracted hereunder:

6. I state that subsequent to the filing of the present writ petition, the 6th respondent has completed the enquiry on the complaint made by the petitioner and had submitted Enquiry report to the 1st respondent. The said Report has also been filed before this Hon'ble Court by the 1st respondent. The said report has no adverse finding whatsoever against me. The report has also found that there is no basis for the complaint made by the petitioner. The allegations based on which the writ petition has been filed thus has been negated by the Enquiry Officer.

7. I state that the resent writ petition challenging my appointment as Officer on Special Duty itself has become infructuous. There are no valid grounds challenging my appointment as Officer on Special Duty. The allegations are mere assumptions of the petitioner. The GO appointing me as Officer on Special Duty (OSD) with the Minister of Textiles and Handlooms was issued by the Handloom, Handicraft, Techtiles & Khadi Department on 10/01/2023 and I



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joined the said post on 12/01/2023, well prior to the filing of the present writ petition. Though under the said GO, I was appointed as OSD, I continued to discharge my duties as Joint Director in the Department of Textiles & Handlooms.

8.I state that subsequent to the filing of the writ petition, I have been appointed as the Special Personal Assistant to the Minister for Handlooms & Textiles by the Public (Administration) Department, vide GO Ms.No.148 dated 06.03.2023, from the date of my assumption of charge till 06.05.2026. I have also joined duty on 06.03.2023. The said posting is on deputation basis equivalent to that of Deputy Secretary to the Government and I was relieved from the post of Joint Director in the Department of Textiles.

5.The learned counsel for the 5th respondent submitted that the 5th respondent has been relieved from the post of Joint Director in the department of Textiles and Handlooms. The learned Special Government Pleader also produced the proceedings dated 06.03.2023, wherein the 5th respondent was relieved from the post of Officer on special duty.

6.Insofar as the report dated 20.03.2023, which was filed during the last



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occasion, that sufficiently takes care of the other grievance expressed by the petitioner on the enquiry that was conducted as against the 5th respondent.

7.In the light of the above developments, nothing survives in this writ petition and accordingly, this writ petition is disposed of by recording the above developments. No costs. Consequently, connected miscellaneous petitions are closed.

23.08.2024

Internet: Yes
Index: Yes/No
KP



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To

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N.ANAND VENKATESH. J.,

KP



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