



WEB COPY



W.P.No.7430 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2024

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THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

W.P.No.7430 of 2020

and

W.M.P.No.14118 of 2022

S.Kannan

... Petitioner

Vs.

1. The Union of India,
Represented by its Secretary to Government,
Department of Revenue,
Ministry of Finance,
Government of India,
Room No.46, North Block,
New Delhi – 110 001.
2. The Deputy Secretary to the Government,
(Central Board of Indirect Taxes and Customs)
Department of Revenue,
Ministry of Finance,
Government of India,
Room No.46, North Block,
New Delhi – 110 001.
3. The Under-Secretary to Government,
Department of Revenue,
Ministry of Finance,
Government of India,



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Room No.46, North Block,
New Delhi – 110 001.

4. The Chairman,
Central Board of Indirect Taxes and Customs,
Room No. 46, North Block,
New Delhi – 110 001.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the second respondent pertaining to Office Order bearing No. C50/04/2020-Ad.II (Pt.) dated 03.03.2020 and the records of the third respondent bearing No.C50/04/2020-Ad.II (Pt.) dated 23.03.2020 and quash the same and consequently direct the respondents 1 to 3 to sanction leave to the petitioner in accordance with the petitioner's application dated 18.02.2020.

For Petitioner : Mr.Richardson Wilson
For Respondents : Mr. M.Ramamoorthy,
SPCCG

ORDER

The instant Writ Petition has been filed, challenging the Memorandum dated 23.03.2020.

2. The Memorandum indicates that, inspite of the direction issued by the Department, he did not join in the new place of posting. However, the



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learned counsel for the petitioner would submit that now the petitioner has been permitted to retire on 16.09.2022, however, with a rider, subject to the outcome of the present Writ Petition.

3. In view of the above subsequent developments, at this length of time, it would not be proper to adjudicate the Memorandum dated 23.03.2020. Therefore, it is appropriate to remit back the matter before the authority concerned, and the petitioner is given liberty to submit his explanation before the respondents. On submission of such explanation, the respondents are directed to proceed further in accordance with law and according to its own merit, within a reasonable time.

4. In the result, this Writ Petition is disposed of with the above observations. Consequently, the connected Miscellaneous Petition is closed.

No costs.

19.10.2024

kv

Index : Yes/No



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Speaking order /Non Speaking Order

Neutral Citation : Yes/No

To

1. The Secretary to Government,
The Union of India,
Department of Revenue,
Ministry of Finance,
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New Delhi – 110 001.
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(Central Board of Indirect Taxes and Customs)
Department of Revenue,
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C.KUMARAPPAN, J.

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