



W.P.Nos.5784 & 5785 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.Nos.5784 and 5785 of 2015

and

M.P.Nos.1, 1, 2 and 2 of 2015

A.Lakshmanan

... Petitioner in both W.Ps

Vs.

1.The Tamil Nadu State Information Commission,
No.2, Thiyagaraya Road,
Teynampet, Chennai - 18.
Rep by its Registrar.

2.The Commissioner,
Coimbatore City Municipal Corporation,
Town Hall,
Coimbatore - 1.

... Respondents in both W.Ps

Common Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, to call for the records of the 2nd respondent pertaining to his proceedings in Na.Ka.No.5307/2014/MC1 and quash the order dated 04.08.2014.



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For Petitioner : Mr.R.Sivakumar
(in both W.Ps) for M/s.P.Sesubalan Raja

For Respondents : Ms.S.Sowjanya
(in both W.Ps) for Niranjana Rajagopalan
for R1
Mr.Najeeb Usman Khan
for R2

COMMON ORDER

These Writ Petitions are filed at the instance of the same petitioner challenging the Show Cause Notice issued by the second respondent calling upon the petitioner to pay a penalty amount of Rs.25,000/- pursuant to an order passed by the first respondent in Case No.52344/விசாரணை/D/2012 vide order dated 07.07.2014 and another proceedings bearing Na.Ka.No.5307/2014/MC1 dated 04.08.2014 calling upon the petitioner to Show Cause as to why appropriate disciplinary proceedings should not be initiated against the petitioner.

2. In response to the impugned Show Cause Notices, the petitioner has submitted his explanation dated 02.09.2014 and thereafter approached this Court by challenging the impugned Show Cause Notices by filing the present writ petitions.



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3. In view of the pendency of the writ petitions, the respondents have not proceeded further, though there were no stay granted by this Court in the present writ petitions. Thus, the proceedings are still pending before the second respondent.

4. The learned counsel appearing for the second respondent would submit that the second respondent is acting only in terms of the order dated 07.07.2014 passed by the first respondent and the second respondent is duty bound to comply with the order passed by the first respondent.

5. When the matter is taken up for consideration, it is brought to the notice of this Court by the learned counsel for the petitioner, that the petitioner was already retired from service on attaining the age of superannuation on 30.04.2024.

6. In view of the fact that the petitioner already retired from service and he was also relieved, the question of taking any disciplinary proceedings or continuing the same against the petitioner does not arise.



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7. In view of the same, the proceedings in Na.Ka.No.5307/2014/MC1 dated 04.08.2014 which is impugned in W.P.No.5785 of 2015 shall stand quashed.

8. In so far as the impugned order in W.P.No.5784 of 2015 is concerned, the same is only a Show Cause Notice and the petitioner has admittedly submitted his explanation in response to the said Show Cause Notice. As there is no challenge to the order dated 07.07.2014 passed by the first respondent, the impugned Show Cause Notice cannot be interfered with.

9. The contention of the learned counsel for the petitioner that the petitioner is no way responsible for the delay in furnishing the information and he is not the officer who is liable for the penalty amount imposed by the Commissioner by order dated 07.07.2014, the said issue has to be considered by the second respondent, by considering the explanation already submitted by the petitioner. Hence, this Court cannot go in to the said aspect at this stage. It is for the first respondent to consider the explanation submitted by the petitioner and pass appropriate orders thereon.



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10. Accordingly, W.P.No.5784 of 2015 is disposed of, by directing the second respondent to consider his explanation already submitted by the petitioner and to pass appropriate orders thereon and in accordance with law. The petitioner is granted liberty to submit his additional explanation, if he so desires, within a period of four weeks from the date of receipt of a copy of this order. It is open for the second respondent to pass appropriate orders by duly considering the additional explanation, if any, submitted by the petitioner.

11. In view of quashing of the proceedings bearing Na.Ka.No.5307/2014/MC1 dated 04.08.2014, W.P.No.5785 of 2015 is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

29.10.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation : Yes/No
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- To
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