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W.P.No.34527 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.34527 of 2024

Addison & Co. Limited,
Rep. by its Vice President & Company Secretary
Mr.M.P.Muthukumaraswamy,
No.803, Anna Salai,
Opposite to LIC Building,
Chennai – 600 002.

... Petitioner

VS.

1.The Adjudicating officer,
Principal Secretary to Government,
Information Technology Department,
Secretary, Fort St.George,
Chennai-600 009.

2.Pavan Bhatnagar

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to adjudicate the complaint dated 21.03.2023 and to conduct the proceedings in accordance with the Information Technology Act, 2000.



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For Petitioner : Mr.M.Vijayan
for M/s.King and Partridge

For R1 : Mrs.M.Jayanthi
Additional Government Pleader

ORDER

By consent of both the learned counsel appearing for the petitioner as well as 1st respondent, this writ petition is disposed of at the admission stage itself.

2. The petitioner herein seeks a direction to the 1st respondent to adjudicate its complaint dated 21.03.2023, within the time stipulated by this Court.

3. According to the petitioner, the 2nd respondent joined the petitioner-company as its employee. Later, he resigned his job and returned the laptop, which was provided for his official use. It came to the knowledge of the petitioner that when the laptop was in custody of the 2nd respondent, he deleted certain vital datas and thereby, contravened the provisions of



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Information Technology Act, 2000. Therefore, seeking necessary damages, the petitioner filed a complaint before the Adjudicating Authority namely 1st respondent on 21.03.2023 and the same has not been considered till date. Hence, the petitioner is before this Court.

4. The learned counsel appearing for the petitioner by relying on Rule 4(k) of the Information Technology (Qualification and Experience of Adjudicating Officers and Manner of Holding Enquiry) Rules, 2003, submitted that such complaint shall be disposed within a period of six months.

5. Mrs.M.Jayanthi, learned Additional Government Pleader, who is taking notice for the 1st respondent would submit that the complaint filed by the petitioner dated 21.03.2023 will be considered by the 1st respondent on its own merits and in accordance with law, within the time fixed by this Court.

6. In view of the same, without going into the merits of the claim made by the petitioner, this Court is inclined to direct the 1st respondent to



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adjudicate the complaint of the petitioner dated 21.03.2023 and pass final orders on its own merits and in accordance with law, within a period of twelve weeks from the date of receipt of copy of this order, after issuing necessary notice to the petitioner and 2nd respondent.

7. With the above direction, the Writ Petition stands disposed of. No costs.

19.11.2024

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
dm



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To

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S.SOUNTHAR, J.

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