

BEFORE THE COMMISSIONER, H.R.& C.E. ADMN.DEPARTMENT, CHENNAI-34.

Tuesday the 30th day of September, Two Thousand and Fourteen

Present: Thiru.P.Dhanapal., M.A., B.L.,
Commissioner

M.P.No.1 /2014

in

A.P.27/2009 D2

Between

B.V. Damodharan

.. Petitioner/Appellant.

And

1. The Joint Commissioner,
H.R.& C.E. Admn. Department,
Chennai
2. The Joint Commissioner,
H.R.& C.E. Admn. Department,
Vellore.
3. S. Velu Achari.

..Respondents/Respondents.

In the matter of Arulmigu Pandurangaswamy Bajanai Madam, Barathithasan Street, Thiruvallur Town, Taluk and District.

Misc. Petition for direction filed in the above disposed Appeal Petition.

M.P.No.1/2014 in A.P.No.27/2009 (D2) dated 30.09.2014.

The above Misc. Petition seeking for a direction to the 2nd Respondent herein for conducting fresh enquiry and for passing orders in the light of the order of remand passed in A.P.No.27/2009 D.2 Dated 15.06.2010 having come on for hearing before me on 30.09.2014 in the presence of Thiru P.Gopalan, Counsel for the petitioner and upon hearing his arguments and after perusing the records and the matter having stood over for consideration till this day, the following order is made.

ORDER

1. The above appeal petition was allowed by my predecessor in office, setting aside the impugned order passed by the 1st Respondent/Joint Commissioner, HR & CE Admn. Dept., Chennai in Pro.Rc.No.10220/2006 C1 dated 17.11.2006, in recording the succession under Section 54(1) of the Act, and remitting back the matter for re-consideration, fresh enquiry and disposal in accordance with law after determining in the issues raised by the appellant in the appeal.

2. It is learnt that due to change in territorial jurisdiction, the matter now lies within the jurisdiction on the file of the 2nd Respondent/ Joint Commissioner, HR & CE Admn. Dept., Vellore.

3. The petitioner herein has now come up with the present Misc. Petition stating that even though the above said order was passed by the Commissioner on 15.06.2010 in the appeal remitting back the matter for fresh enquiry and disposal, till date, no notice of enquiry has been received from the 2nd Respondent/Joint Commissioner, HR&CE Admn. Dept, Vellore. However, on behalf of the petitioner, a memo dated 10.03.2014 was also filed before the 2nd Respondent/Joint Commissioner, HR&CE Admn. Dept, Vellore seeking for fresh enquiry and to issue notice to the parties concerned. But there was no response from the 2nd Respondent. Hence, the application for direction.

4. I have heard Thiru P.Gopalan and J.Ram, Counsel who appeared for the petitioner/appellant and argued the case. Even though order of remand and denova enquiry was passed by my predecessor in office long back, nothing seems to be complied with.

5. Therefore, in the interest of justice, and to serve the principle of natural justice, it is appropriate to allow this Misc. Petition, directing the 1st Respondent/Joint Commissioner, HR&CE Admn. Dept., Chennai to transfer the entire files relating to above said proceedings, including the file in R.Dis.O.A.No.38/1990, immediately to the file of the 2nd Respondent/Joint Commissioner, HR&CE Admn. Dept., Vellore, if not already transferred. On receipt of the connected records relating to above said proceedings, the 2nd Respondent/Joint Commissioner, HR&CE Admn. Dept., Vellore is directed to take up the matter of remand on file immediately, as directed earlier, to issue necessary notice of inquiry to all concerned, including persons having interest if any,

afford them reasonable opportunity of being heard and dispose of the application in accordance with law after determining the issues raised by the both sides within a period of three months from the date of receipt of a copy of this order. With the above direction, this M.P. is closed.

/typed to dictation/

Sd. P. Dhanapal,
Commissioner.

/ true copy/ by order/

Superintendent.

To

1. The Petitioner/Appellant through Thiru P.Gopalan, Advocate 55, Law Chambers, High Court Buildings, Chennai. 104.
2. The 1st Respondent/Joint Commissioner, HR&CE Admn. Dept., Chennai.34.
3. The 2nd Respondent/Joint Commissioner, HR&CE Admn. Dept., Vellore.9.

Copy to:

4. The 3rd Respondent, S.Velu Achari, No.14, Sannadhi Street, Tiruvellore-602 001.
5. The Assistant Commissioner, HR&CE Admn. Department, Thiruvellore-602 001.
6. The Inspector, HR & CE Admn. Department, Thiruvellore- 602 001.
7. Extras.