

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22-09-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.10811 of 2015

and

M.P.No.1 of 2015

G.Jayababu

.. Petitioner

vs.

- 1.The Commissioner
Corporation of Chennai
Ripon Building, Chennai 600 003
- 2.Assistant Commissioner (GAP)
General Department
Corporation of Chennai
Ripon Building, Chennai 600 003
- 3.Zonal Officer, Zone VI
Corporation of Chennai,
Ayanavaram, Chennai 600 023

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to settle all the arrears of salary which roughly comes to Rs.39,72,600/- along with interest at 18% per annum till the date of payment of the dues and settle the pension dues along with all other retirement benefits till date.

For Petitioner : Mr.B.Narayanan

For Respondents : Mrs.Karthikaa Ashok

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner would state that he while working as a Junior Assistant in the services of the Corporation of Chennai, was issued with a charge memo during the year 2004, alleging that he has lost the Measurement Book and further that he has altered the quantities in the approved estimates, and would further state that however, the outcome of the Departmental Enquiry is yet to be made known to him, and he on attaining the age of superannuation on 31.12.2012, was relieved from service subject to the outcome of the Departmental Enquiry and the damages if any, as per the audit objections.

3.The grievance now expressed by the petitioner, is that he has not been paid with salary and also the retirement benefits and in

this regard, he was repeatedly corresponding with the respondents and the last of such representation was in the form of a legal notice dated 20.8.2014, and in spite of receipt of the same, no response is forthcoming and hence, he has come forward to file this writ petition.

4. When the matter was listed for admission on 15.4.2015, the learned Standing Counsel accepted notice on behalf of the respondents-Corporation, and sought time to get instructions and on 8.9.2015, once again, it was adjourned to 9.9.2015, and on that date, this Court has indicated that the respondents have to file counter affidavit, failing which, the writ petition will be heard and disposed of on merits.

5. The learned Counsel appearing for the petitioner, would submit that though the petitioner was repeatedly corresponding with the respondents, they have never cared to give any response and therefore, he is constrained to approach this Court by way of this writ petition and prays for appropriate orders.

6. Per contra, the learned Standing Counsel appearing for the respondents, would submit that for want of relevant records, the process is getting delayed and on instructions, would undertake that the concerned official respondent would pass appropriate orders within a short period of time.

7. This Court, in the light of the facts and circumstances, directs the first respondent or any one of the Officers authorised by him, to give an opportunity of personal hearing to the petitioner, with regard to his grievance, which remained unaddressed so far, and pass orders thereon on merits and in accordance with law, within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Asst. Registrar (CS III)

/true copy/

nsv

Sub Asst. Registrar

To:

1. The Commissioner
Corporation of Chennai
Ripon Building, Chennai 600 003
2. The Assistant Commissioner (GAP)
General Department
Corporation of Chennai
Ripon Building, Chennai 600 003
3. The Zonal Officer, Zone VI
Corporation of Chennai,
Ayanavaram, Chennai 600 023

+1 CC to M/s Karthikaa Ashok, Advocate, sr.52344

<https://hcservices.ecourts.gov.in/hcservices/>

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