

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.23573 of 2015

K.Sugumar, B.E.,

... Petitioner

Vs.

The Commissioner
Coimbatore City Municipal Corporation,
Coimbatore - 641 001.

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to regularize the period of suspension from 23.09.2014 to 06.05.2015 as duty as per the provisions under FR 54(B) for which the petitioner has already submitted a representation on 16.07.2015 considering the fact that the petitioner has already been allowed to retire from service on 30.06.2015 and also the charges were already dropped by the Government in G.O.(D) No.374, MAWS Department dated 16.06.2015, within a reasonable period as may be fixed by this Hon'ble Court.

For Petitioner : Mr.T.Ranganathan
For Respondents : Mr.K.Natarajan

O R D E R

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

2.The petitioner has entered into the services of Coimbatore City Municipal Corporation as a Meter Reader in the year 1979 and got promotions and vide proceedings dated 02.04.2013, he was promoted to the post of City Engineer and he has also assumed charge on that day. The petitioner would further state that the Commissioner of Coimbatore City Municipal Corporation vide proceedings dated 23.09.2014, placed him under suspension and has also framed charges under Rule 8(2) of the Coimbatore City Municipal Corporation Services (Discipline and Appeal) Rules, 1986. According to the petitioner, a detailed enquiry was conducted and thereafter, the Government has dropped the charges levelled against the petitioner as "not proved" and accordingly issued orders in G.O.(D) No.374 Municipal Administration and Water Supply (MC4) Department dated 16.06.2015. During the pendency of the disciplinary proceedings, the order of

suspension passed against the petitioner was also revoked on 06.05.2015. The claim of the petitioner is that the period of suspension between 23.09.2014 and 06.05.2015 is to be treated as per FR 54(B).

3.It is further stated by the petitioner that the Government vide G.O.(D) No.417 Municipal Administration and Water Supply (MC4)

Department dated 30.06.2015 has permitted the petitioner to retire from service on attaining the age of superannuation on 30.06.2015 and the Commissioner of Coimbatore City Municipal Corporation has in turn issued orders permitting the petitioner to retire from service.

4.The grievance expressed by the petitioner is that inspite of the fact that he was permitted to retire from service, the period of suspension between 23.09.2014 and 06.05.2015 has not been regularised and in this regard, he has submitted a representation dated 16.07.2015 to the respondent praying for such a relief and though it was received and acknowledged, he has not been favoured with any kind of response and hence, came forward to file this writ petition.

5.Heard the submissions of Mr.T.Ranganathan, learned counsel appearing for the petitioner and Mr.K.Natarajan, learned Standing Counsel who accepts notice on behalf of the respondent.

6.Though the petitioner prayed for a larger relief, this Court in the light of the facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the respondent to consider and dispose of the petitioner's representation dated 16.07.2015 on merits and in accordance with law and pass orders within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

7.The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

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To
The Commissioner
Coimbatore City Municipal Corporation,
Coimbatore - 641 001.

1 cc to Mr. T.Ranganathan, Advocate Sr.No.39979

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