

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.08.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.24751 of 2015
and
M.P.No.1 of 2015

G.Rajaraman

.. Petitioner

- Vs -

1. The Director of Town Panchayat,
Kurulagam, Chennai - 600 104.

2. The District Collector,
Cuddalore-1, Cuddalore District.

3. The Assistant Director of Town Panchayat,
Cuddalore, Cuddalore District.

.. Respondents

Prayer:- Writ Petition has been filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to settle the terminal benefits to the petitioner such as Death cum Retirement Gratuity, encashment of earned leave on private affairs and special provident fund, by considering the representation dated 26.11.2014 made by the petitioner.

For Petitioner : Mr.C.Selvaraj
SC for M/s.C.S.Associates

For Respondents : Mr.S.Gunasekaran
Government Advocate

सत्यमेव जयते
O R D E R

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

2. The petitioner was initially appointed as Junior Assistant on 01.11.1971 and during the year 1996, he was promoted as Assistant and in the year 2000, he was promoted as Executive Officer. The petitioner was placed under suspension on 22.08.2003 for certain irregularities and he challenged the said order in O.A.No.2231 of 2004 before the Tamil Nadu Administrative Tribunal and by an order dated 01.06.2004, the said O.A. was disposed of directing the reinstatement of the petitioner, if charge sheet is not filed before 01.08.2004.

3. Since the order passed by the Tribunal was not implemented, the petitioner filed a writ petition in W.P.No.30630 of 2004 and this Court disposed of the writ petition by an order dated 20.10.2004 by directing the concerned respondents to reconsider / review the said order of suspension. The petitioner on the verge of retirement on 30.06.2006, was issued with charge memo dated 29.06.2006, for which he has submitted his explanation. The grievance expressed by the petitioner is that no further progress has taken place in the disciplinary proceedings and he was also not retained in service beyond his age of superannuation. Therefore, he submitted a representation dated 26.11.2014, requesting the authorities to settle his terminal benefits and since no orders came to be passed, he came forward to file this writ petition.

4. Heard the submissions of Mr.C.Selvaraj, learned senior counsel appearing for the petitioner and Mr.S.Gunasekaran, learned Government Advocate who accepts notice for respondents 1 to 3.

5. Though the petitioner prays for a larger relief, this Court in the light of the above facts and circumstances, without going into the merits of the claim projected by the petitioner, directs the second respondent to consider and dispose of the representation of the petitioner dated 26.11.2014, in accordance with law and pass orders within a period of eight 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. Consequentially, the connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

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To

1. The Director of Town Panchayat,
Kurulagam, Chennai - 600 104.
2. The District Collector,
Cuddalore-1, Cuddalore District.
3. The Assistant Director of Town Panchayat,
Cuddalore, Cuddalore District.

1 cc to M/s.C.S.Associates , Advocate Sr.No.41796
1 cc to Government Pleader.Sr.No.41980

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gj (co)
pmk.3.9.2015