

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.09.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.28027 of 2015

P.Thanickachalam

... Petitioner

-Vs-

1.The Commissioner,
Chennai City Municipal Corporation,
Chennai - 600 003.

2.The Zonal Officer, Zone - IV,
Corporation of Chennai,
Chennai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1st respondent to consider and pass orders on the representation of the petitioner dated 24.07.2015 for settlement of the pay and allowances due to the petitioner for 101 days of Earned leave at his credit as on 30.06.2010 the date of retirement within a reasonable period fixed by this Court.

For Petitioner : Mr.T.Ranganathan
For Respondents : Mr.G.Anantharanga for
Chennai Corporation.

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The petitioner, while working as a Sanitary Supervisor in the service of Chennai City Municipal Corporation, was issued with a charge memo dated 27.04.2009 alleging certain irregularities and the punishment of the disciplinary proceedings was, placing the petitioner under suspension under Rule 9 (9) of the Madras Corporation Class III and IV Services (Discipline and Appeal) Bye-Laws. The petitioner has submitted his written explanation. The 1st respondent has revoked the order of suspension vide order dated 28.05.2009 and ultimately, the disciplinary proceedings has culminated with the punishment of "severe warning" vide proceedings of the 1st respondent dated 30.06.2010. The grievance now expressed by the petitioner is that since the proceedings of the 1st respondent administered him "severe warning" cannot be construed as a punishment in terms of the above said Rule, the period of suspension between

26.03.2009 to 10.07.2009 (107 days) should be treated as "duty" and in this regard, he submitted a representation dated 27.04.2015 and though it was received and acknowledged, no response is forthcoming and hence, came forward to file this writ petition.

3. Learned counsel appearing for the petitioner would submit that the petitioner has retired from service on 30.06.2016 and though it has been brought to the knowledge of the 1st respondent that administering him "severe warning" is not a punishment and therefore, the period of punishment should be treated as duty", no order has been passed and therefore, the petitioner is constrained to file this writ petition.

4. Heard the submission of Mr, Anantharangan, who accepts notice on behalf of respondents 1 and 2.

5. This Court, taking into consideration the limited scope of the prayer sought for by the petitioner and without going into the merits of the same, directs the 1st respondent to consider and dispose of the petitioner's representation dated 27.04.2015 on merits and 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.

6. This Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

vsm

To

1. The Commissioner,
Chennai City Municipal Corporation,
Chennai - 600 003.

2. The Zonal Officer, Zone - IV,
Corporation of Chennai,
Chennai.

1 cc to Mr. T.Ranganathan, Advocate Sr.No.48222
1 cc to Mr. G.Anantharanga, Advocate Sr.No.48386

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pmk.30.9.2015