

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06-10-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.31439 of 2015

and

M.P.No.1 of 2015

J.Murugesan

... Petitioner

Vs

1. The Secretary to Government
Municipal Administration and
Water Supply Department and
The Chairman
Tamil Nadu Water Supply and
Drainage Board
Fort St. George, Chennai 600 009

2. The Managing Director
Tamil Nadu Water Supply and
Drainage Board
Chepauk, Chennai 600 005.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the second respondent to treat the period of suspension between 20.1.1997 and 24.6.1998, as on duty with all attendant benefits instead of the earlier order of treating the period as on leave.

For Petitioner : Mr.A.L.Namasivayam

For Respondents : Mr.R.Vijayakumar
Additional Government Pleader for R1

Mr.S.Thamizharasi for R2

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ORDER

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

2.The petitioner would state that he while working as the Executive Engineer in the Tamil Nadu Water Supply and Drainage Board at Tiruvannamalai, was visited with a Departmental Proceeding and

vide orders of the second respondent dated 4.1.2005, he was imposed with a punishment of stoppage of increment for three months without cumulative effect and the period of suspension undergone by him, was directed to be treated as leave, to which he is eligible. According to the petitioner, he filed a Departmental Appeal before the first respondent and it was also rejected on 2.5.2005, and he was permitted to retire from service.

3.The grievance expressed by the petitioner, is that the period of suspension undergone by him, is to be treated as spent on duty so as to enable him to get the consequential benefits and in this regard, he has submitted representations dated 25.7.2015, 25.8.2015 and 1.9.2015, to the second respondent and since no orders have been passed, came forward to file this writ petition.

4.Heard the submissions of the learned Counsel appearing for the petitioner, Mr.R.Vijayakumar, learned Additional Government Pleader, who accepted notice on behalf of the first respondent, and Mrs.S.Thamizharasi, learned Standing Counsel, who accepted notice on behalf of the second respondent.

5.Though the petitioner prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the same, directs the second respondent to consider the petitioner's representations dated 25.7.2015, 25.8.2015 and 1.9.2015, on merits and in accordance with law and pass orders thereon 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. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

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Sub Assistant Registrar

nsv

To:

1. The Secretary to Government
Municipal Administration and Water Supply
Department and The Chairman
Tamil Nadu Water Supply and Drainage Board
Fort St. George,
Chennai 600 009

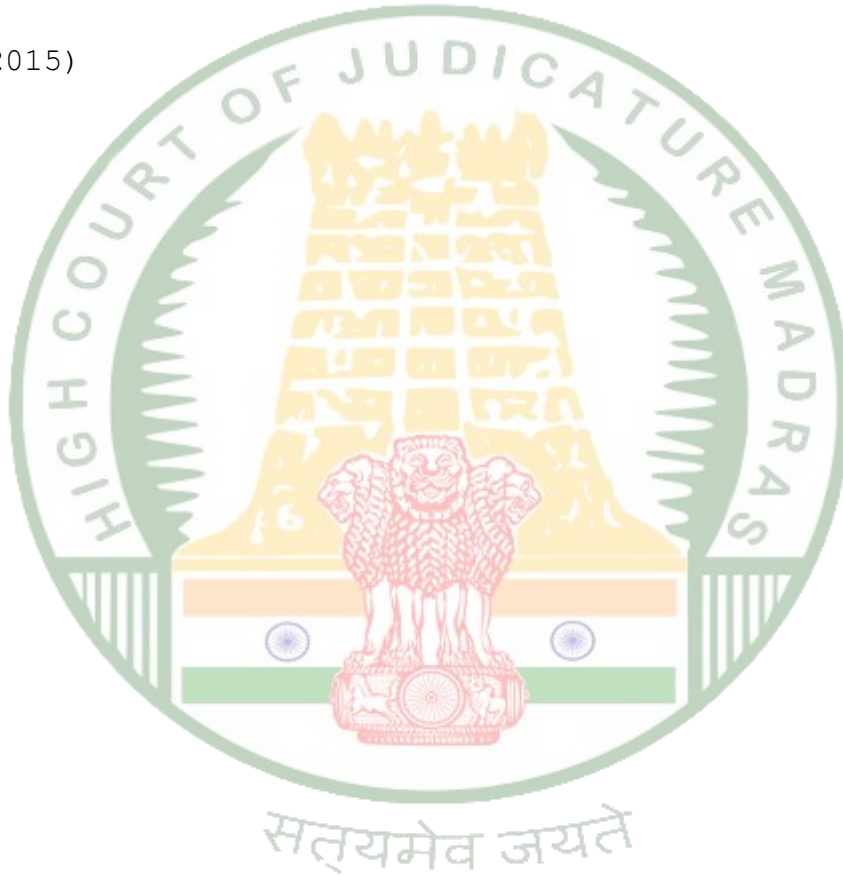
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2. The Managing Director
Tamil Nadu Water Supply and
Drainage Board
Chepauk, Chennai 600 005.

+1cc to the Government Pleader, S.R.No.54395

W.P.No.31439 of 2015

MG (CO)
CA(12/10/2015)



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