

In the High Court of Judicature at Madras

Dated: 06.10.2015

Coram

The Honourable Mr.JUSTICE M.SATHYANARAYANAN

Writ Petition No.31525 of 2015

K.Rathina Kumar

.... Petitioner

Vs.

1. The Secretary to Government,
Municipal Administration & Water Supply Dept.,
Fort St. George, Chennai - 9.
2. The Director of Municipal Administration
& Water Supply Dept.,
Chepauk, Chennai - 5.
3. The Municipal Commissioner,
Ambur Municipality,
Vellore District.

.... Respondents

PETITION under Article 226 of The Constitution of India praying for issuance of Writ of Mandamus to direct the respondents to regularize the period of out of employment from 15.3.2014 to 14.07.2015 as duty for all purposes in the light of the representation given by the petitioner dated 17.8.2015 within a reasonable time.

For Petitioner : Mr.K.Venkataramani, S.C.
for Mr.M.Muthappan

For Respondents : Mr.S.Gunaseakaran, G.A. - R1 and R2
Mr.V.Subbiah, Spl. G.P. - R

O R D E R

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

2. The petitioner, while serving as a Data Entry Operator in the service of Maraimalai Nagar Municipality, was visited with the disciplinary proceedings under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules framing three charges. The petitioner has submitted his explanation denying the charges and not satisfied with the same, the second

respondent has appointed Enquiry Officer and the Enquiry Officer had submitted a report stating that the charges framed against the petitioner has been proved. Hence, the petitioner was issued with a second show cause notice and the Disciplinary Authority concurred with the findings of the Enquiry Officer and imposed a punishment of dismissal from service. Thereafter, the petitioner preferred a statutory appeal to the Government. Since no orders have been passed, the petitioner filed W.P.No.31306 of 2014 before this Court and this Court, vide order dated 01.12.2014 has directed the concerned respondent to dispose of the appeal filed by the petitioner within a stipulated time. Accordingly, the Government has considered the appeal memorandum submitted by the petitioner and vide G.O.(2D) No.35, MA & WS (NP.1) department dated 10.06.2015, the Government has set aside the order of dismissal from service passed against the petitioner and ordered to conduct detailed enquiry to find out the persons responsible for the commission of delinquency and take necessary departmental action, if necessary, against all of them. Therefore, the petitioner was reinstated into service on 15.07.2015 and also reported for duty.

3. The grievance now expressed by the petitioner is that consequent upon the setting aside of punishment and reinstatement in service, the petitioner was not conferred with any consequential benefits and in this regard, he has submitted a representation dated 17.8.2015 to the respondents. Since no orders have been passed, the petitioner came forward to file this Writ Petition.

4. Heard the submissions of Mr.K.Venkataramani, learned Senior Counsel appearing for the petitioner, Mr.S.Gunasekaran, learned Government Advocate, who accepts notice on behalf of respondents 1 and 2 and Mr.V.Subbiah, learned Special Government Pleader, who accepts notice on behalf of the third respondent.

5. Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances, directs the second respondent to consider the representation of the petitioner dated 17.08.2015 and pass orders on merits and in accordance with law 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. No costs.

-Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Municipal Administration & Water Supply Dept.,
Fort St. George, Chennai - 9.
2. The Director of Municipal Administration
& Water Supply Dept.,
Chepauk, Chennai - 5.
3. The Municipal Commissioner,
Ambur Municipality,
Vellore District.

+1 cc to Mr.M.Muthappan,Advocate(sr.54140)

+1 cc to GovernmentPleader(sr.54400)

Writ Petition No.31525 of 2015

LRS(co)
cp 19/10/2015

सत्यमेव जयते

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