

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.31805 of 2015

V.Ponnusamy

... Petitioner

Vs.

- 1 Government of Tamil Nadu
Rep. by Secretary to Government Municipal
Administration & Water Supply Department
Secretariat Chennai-9.
- 2 The Commissioner of Municipal
Administration Chepauk Chennai-5.
- 3 The Commissioner
Tirunelveli City Municipal Corporation
Tirunelveli-627 001.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first Respondent to consider and pass orders within a time frame on the Review (Revision) Petition dated 03.02.2014 of the petitioner against the order in Pro.Roc.No.4654/2003/C1 dated 02.01.2004 of the third Respondent.

For Petitioner : Mrs.N.Revathi
for M/s.M.Sasi Kumar
For Respondents : Mr.V.Subbiah for R1 and R2
Special Government Pleader
Mr.R.Vijayakumar for R3
Additional Government Pleader

ORDER

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

2.The petitioner while working as the Administrative Officer of Coimbatore City Municipal Corporation was visited with disciplinary proceedings in the form of charge memo dated 07.08.2003 alleging that he has un-authorisedly issued no objection certificate without any authority and also mis-used the Tirunelveli Zonal Office seal in a fraudulent way and thereby caused revenue loss to the Tirunelveli Municipal Corporation. The petitioner was also placed under

suspension by the third respondent on 02.01.2004. The culmination of the disciplinary proceedings has resulted in the punishment of imposition of penalty of reduction in scale of pay from current scale of pay of Rs.7,100/- to minimum scale in Administrative officer grade i.e., Rs.6,500/- from the date of the order on 02.01.2004 till the petitioner attaining the age of superannuation on 31.03.2006 and further that the petitioner shall not be eligible to draw any further increments and it will also affect the individual pension payable to the petitioner. The period of suspension is to be treated as it is. The petitioner admittedly did not file any appeal against the said order and on 03.02.2014 has submitted a representation praying for reviewing the order of suspension and since no orders have been passed, came forward to file this writ petition.

3.The learned counsel appearing for the petitioner on instructions would submit that the petitioner is at present aged about 67 years and suffering due to age related ailments and that is why there is a delay in submitting the representation to review the order of punishment and prays for appropriate orders.

4.Per contra, Mr.V.Subbiah , learned Special Government Pleader who accepts notice on behalf of the respondents 1 and 2 and Mr.R.Vijayakumar, learned Additional Government Pleader who accepts notice on behalf of the third respondent would submit that the petitioner is guilty of delay and latches and though the order of punishment came to be passed as early as on 02.01.2004, the representation in the form of review came to be submitted only after lapse of nearly ten years and prays for dismissal of the writ petition.

5.This Court heard the rival submissions and also perused the materials placed before it.

6.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 third respondent to consider and dispose of the petitioner's representation/ review petition dated 03.02.2014 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.

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

Sd/-
Assistant Registrar(CS II)

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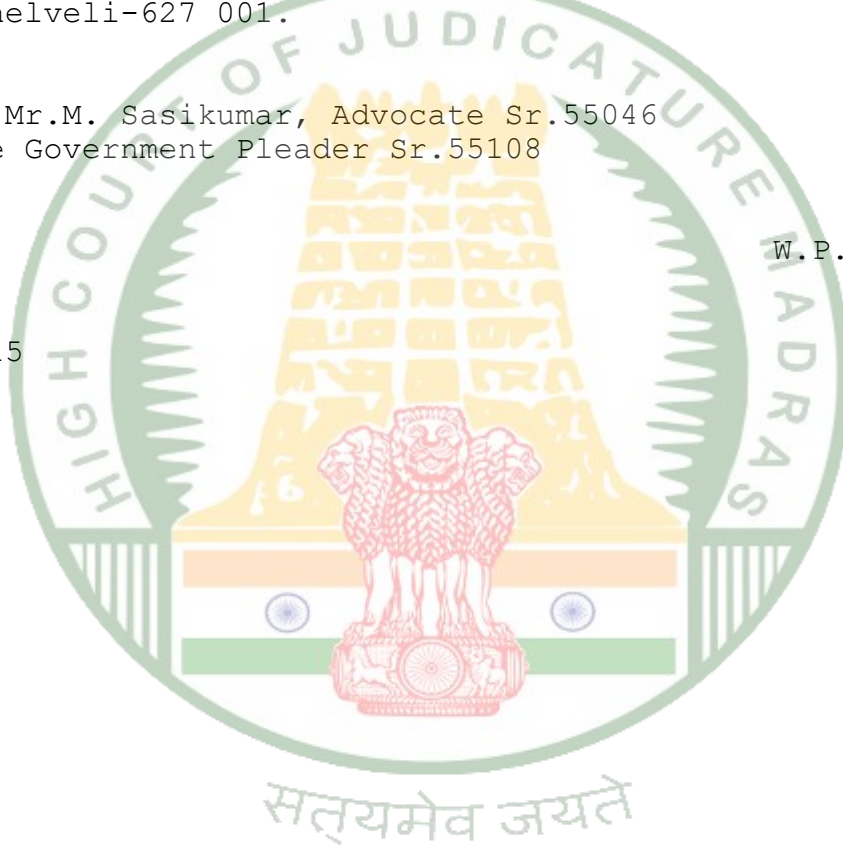
Sub Assistant Registrar

To

- 1 The Secretary to the Government of Tamil Nadu
Municipal Administration & Water Supply Department
Secretariat Chennai-9.
 - 2 The Commissioner of Municipal
Administration Chepauk Chennai-5.
 - 3 The Commissioner
Tirunelveli City Municipal Corporation
Tirunelveli-627 001.
- + 1 cc to Mr.M. Sasikumar, Advocate Sr.55046
+ 1 cc the Government Pleader Sr.55108

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JSV(CO)
EU 14.10.15



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