

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.31977 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 on merits and in accordance with law, and pass orders within a fixed time frame on the Review (Revision) Petition dated 03.02.2014 of the Petitioner for review of the order passed in Pro.Roc.No.1/99/C1 dated 25.02.2003 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

O R D E R

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

2.The petitioner while working as the Administrative Officer in the services of the third respondent was visited with disciplinary

proceedings in the form of charge memo alleging certain delinquencies and it ultimately culminated in the order of punishment dated 11.06.1999 in and by which the petitioner was imposed with punishment of stoppage of increment for three years with cumulative effect for which, an appeal was preferred before the Government and the matter was remanded once again to the third respondent for fresh consideration and vide order dated 25.02.2003, the third respondent after giving reasons, has confirmed the very same order. The petitioner thereafter filed review petition on 03.02.2014 to review the said order of punishment 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 11.06.1999 and it was confirmed vide order dated 25.02.2003, 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/-

Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

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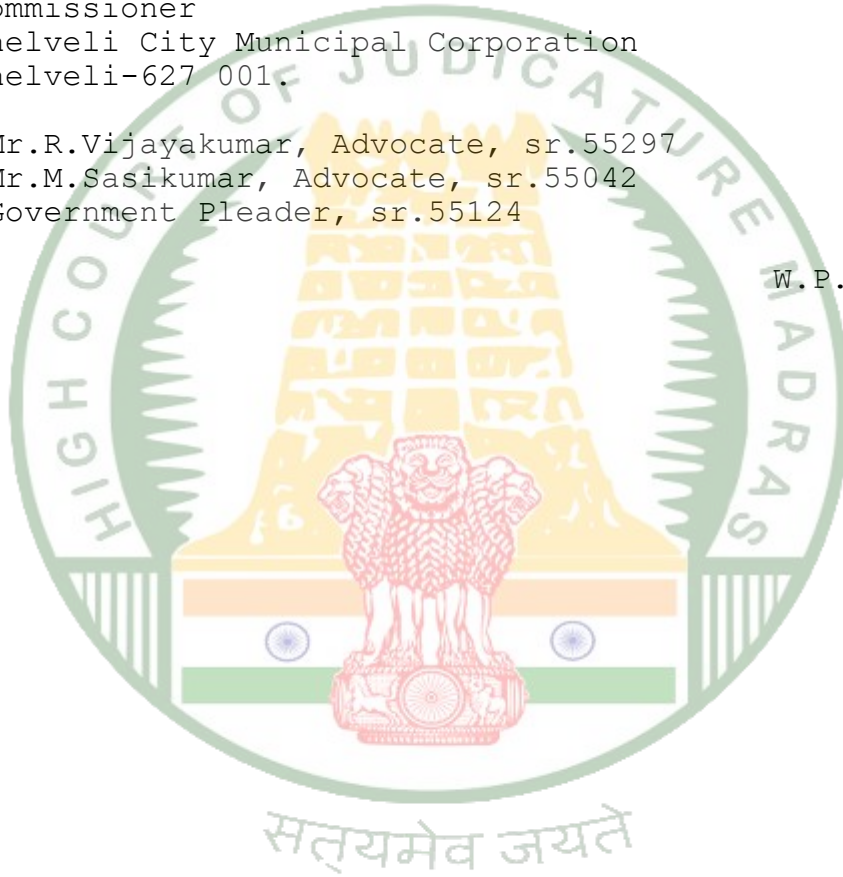
To

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- 2 The Commissioner of Municipal
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+1 cc to Mr.R.Vijayakumar, Advocate, sr.55297
+1 cc to Mr.M.Sasikumar, Advocate, sr.55042
+1 cc to Government Pleader, sr.55124

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