

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2015

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P.No.39926 of 2015

B.Krishnan

.. Petitioner

Vs.

The Managing Director
Tamil Nadu Water and Drainage Board
No.31, Kamarajar Salai,
Chepauk, Chennai-5.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondent to consider the petitioner's representation dated 05.08.2015 and thereby direct the respondent to release the withhold amount of Rs.5,55,760/- with appropriate interest within a stipulated period of time as per the letter Proc.No.R.Dis.77549/Estt./(per)/A2/2008 dated 04.12.2008 passed by the respondent.

For Petitioners : Mr.M.V.Muralidharan

For respondent : Mrs.Tamizharasi

O R D E R

With the consent of both sides, the Writ Petition is taken up for final disposal.

2.The petitioner has filed the present writ petition for issuing direction to the respondent to release Rs.5,55,760/- by considering the petitioner's representation dated 05.08.2015.

3.The petitioner would state that he was employed as Executive Engineer in the Tamil Nadu Water Supply and Drainage Board. While he was working as Executive Engineer, Ooty, he was placed under suspension on 02.09.1989. The petitioner would further state that the respondent initiated disciplinary proceedings against him and since the respondent has not completed the proceedings within the time stipulated by this Court in WP.19276 of 1992, the petitioner was reinstated into service on 12.03.1993. The punishment imposed on the petitioner in the departmental proceedings was also quashed by this Court in WA.No.3828 of 2002.

4.The petitioner would state that by order of the respondent dated 04.12.2008, the petitioner was permitted to retire from service by giving an undertaking that the respondent can withhold the amount of Rs.5,55,760/- pending disposal of the criminal case filed against him in Spl.CC.No.1 of 2008 on the file of Sessions Court, Ooty. The criminal case was quashed by this Court in CrI.OP.No.7587 of 2013 on 26.02.2015 and thereafter the petitioner has been making representations to the respondent to release the amount withheld by him. Since, no order has been passed, the present writ petition has been filed.

5.Heard the submissions of Mr.M.V.Muralidharan, learned counsel appearing for the petitioner and M/s.Tamizharasi, learned counsel appearing for the respondent who accepts notice on behalf of the respondent.

6.This Court, taking into consideration the limited scope of prayer sought for by the petitioner and without going into the merits of the same, directs the respondent to consider the representations of the petitioner dated 27.05.2015, 20.07.2015, 05.08.2015 and 07.10.2015 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.

7.The Writ Petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

tsh

To

The Managing Director
Tamil Nadu Water and Drainage Board
No.31, Kamarajar Salai,
Chepauk, Chennai-5.

1 cc to Mr.M.V. Muralidharan, Advocate, Sr. 69072
1 cc to Mrs.S. Thamizharasi, Advocate, Sr. 69104

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GR (CO)
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