



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.07.2015

CORAM:

THE HONOURABLE Mr.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.12962 of 2015

K.Kamaraj

... Petitioner

Vs.

1. The Commissioner,
The Department of Municipal Administration,
Chennai 600 005.

2. The Regional Director of Municipality,
Department of Municipal Administration,
Madurai 625 002.

3. The Municipal Commissioner,
Periyakulam Municipality,
Theni District.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 3rd respondent to permit the petitioner to retire from service as on 30.06.2009 and consequently, treat the suspension period from 05.09.2008 to 30.06.2009 as service period and settle the petitioner's terminal benefits including leave salary, gratuity, provident fund, earned leave salary, arrears of salary, commutation of pension, monthly pension payable to the petitioner along with interest at the rate of 18% from the date of superannuation ie., on 30.06.2009 within a time frame that may be stipulated by this Court on the basis of the petitioner's representation dated 03.10.2012 and 07.05.2015.

For Petitioner : Mr.R.R.Kannan

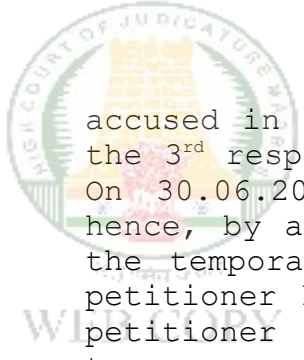
For Respondents : Mr.K.Mahesh Raja, G.A.for R1 and R2
Mr.M.Karuppasamy Pandian for R3

ORDER

This Writ petition has been filed to issue a Writ of Mandamus, directing the 3rd respondent to permit the petitioner to retire from service as on 30.06.2009 and consequently, treat the suspension period from 05.09.2008 to 30.06.2009 as service period and settle the petitioner's terminal benefits including leave salary, gratuity, provident fund, earned leave salary, arrears of salary, commutation of pension, monthly pension payable to the petitioner along with interest at the rate of 18% from the date of superannuation ie., on 30.06.2009 within a time frame that may be stipulated by this Court on the basis of the petitioner's representation dated 03.10.2012 and 07.05.2015.

2.Mr.K.Mahesh Raja, learned Government Advocate takes notice for the respondents 1 and 2 and Mr.M.Karuppasamy Pandian, learned standing counsel takes notice for the 3rd respondent. By consent, the Writ petition itself is taken up for final disposal.

3.The case of the petitioner is that the petitioner, who was working as Revenue Assistant in the respondent Department, has been arrayed as an



accused in a criminal case and hence, by a proceedings dated 05.09.2008, the 3rd respondent has placed the petitioner under suspension temporarily. On 30.06.2009, the petitioner attained the age of superannuation and hence, by a proceedings dated 29.06.2009, the 3rd respondent has extended the temporary suspension. On 20.12.2011 the criminal case against the petitioner has been ended in acquittal. Thereafter, on 03.10.2012, the petitioner made a representation to the respondents to revoke the temporary suspension and sought permission to retire from service and also prayed to settle all the terminal benefits. Further, the petitioner has made another representation dated 07.05.2015 requesting for payment of terminal benefits. By a proceedings dated 14.05.2015, the 2nd respondent has stated that the representation of the petitioner has been forwarded to the 3rd respondent. Till date no action has been taken by the respondents to ventilate the grievance of the petitioner. Hence, the petitioner is before this Court with the present Writ petition.

3.The learned standing counsel appearing for the 3rd respondent submitted that the petitioner has been acquitted and the request of the petitioner will be considered and appropriate orders will be passed within a time frame.

4.In view of the submission made, the 1st respondent is directed to consider the request of the petitioner within a period of one month from the date of receipt of a copy of this order and communicate the same to the 3rd respondent and thereafter, the 3rd respondent is directed to pass appropriate orders within a period of one month from the date of receipt of the communication from the 1st respondent.

5.The Writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1. The Commissioner,
The Department of Municipal Administration,
Chennai 600 005.
2. The Regional Director of Municipality,
Department of Municipal Administration,
Madurai 625 002.
3. The Municipal Commissioner,
Periyakulam Municipality,
Theni District.

+1cc to Mr.R.R.Kannan, Advocate SR.No.41096

+1cc to Special Government Pleader SR.No.41625

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