

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.10986 of 2016

B.Ruckumaniamma

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Rep. By the Municipal Administration
and Water Supply Department
Fort St. George
Chennai - 600 009.
- 2.The Commissioner of Municipal Administration
Chepauk, Chennai - 600 005.
- 3.The Commissioner
Coimbatore City Municipal Corporation
Coimbatore 641 001.
- 4.The Assistant Commissioner
East Zone,
Coimbatore City Municipal Corporation
Singanallur
Coimbatore 641 005.

... Respondents

PRAYER : Writ petition has been filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 3rd respondent, namely, The Commissioner of Coimbatore City Municipal Corporation, Coimbatore to consider the representation of the petitioner dated 30.12.2015 and take necessary action to release the service benefits due to her within a time to be stipulated by this court.

For Petitioner :Mr.N.E.A.Dinesh

For Respondents :Mr.S.Gunasekaran
Addl. Govt. Pleader - For R1 & R2

Mr.K.Magesh - for R3 & R4

O R D E R

This writ petition has been filed seeking to issue a Writ of Mandamus directing the 3rd respondent, viz., the Commissioner of Coimbatore City Municipal Corporation, Coimbatore to consider the representation of the petitioner dated 30.12.2015 and take necessary action to release the service benefits due to her within a time to be stipulated by this court.

2. Heard Mr.N.E.A.Dinesh, learned counsel appearing for the petitioner, Mr.S.Gunasekaran, learned Additional Government Pleader appearing for the respondents 1 and 2 and Mr.K.Magesh, learned counsel appearing for the respondents 3 and 4.

3. The case of the petitioner is that her probation was completed on 6.11.1974 and thereafter she was promoted as Assistant on 20.2.1995. According to the petitioner, she was discharging her duties to the satisfaction of her superiors. While so, before her retirement date i.e. on 30.09.2006, the Commissioner of Coimbatore Municipality issued a memo dated 29.09.2006 informing that disciplinary proceedings hds been initiated against her and without prejudice to the said proceedings, she had been allowed to retire on 30.09.2005. However, she has not been served with any charge memo.

4. It is the further case of the petitioner that in view of the proposed disciplinary proceedings her service benefits such as pension, death cum retirement gratuity, encashment of earned leave, encashment of medical leave salary, encasement of earned leave on medical grounds, pongal festival or annual exgratia payment revised pension as per 6th pay commission recommendation, arrears of revised have been withheld. Hence, the petitioner approached the Commissioner of Coimbatore City Municipal Corporation on several occasions to release the benefits accrued to her. She was informed that as the disciplinary proceedings were pending, the said benefits could not be released. In fact in the memo dated 23.4.2013, the Assistant Commissioner of Coimbatore City Municipal Corporation informed her that her request would be considered as soon as orders are passed relating to the disciplinary proceedings. The petitioner had also sent reminders to the Commissioner of Coimbatore City Municipal Corporation on 2.8.2013, 5.12.2014, 5.2.2015 and lastly on 30.12.2015. Though the office of the Commissioner of City Municipal Corporation has received her representations, no action has been taken for nearly 10 years for conducting the enquiry or for releasing the service benefits due to her. The petitioner also submitted that no charge memo has been issued and no enquiry has been commenced till this date. The memo has been issued informing her about

the disciplinary proceedings on 29.9.2006 i.e. one day before her retirement on 30.9.2006. Now nearly 9 years and 5 months have lapsed. The petitioner is depending upon the monitory service benefits due to her and she had no other source of income or help for her livelihood and even for medical expenses and in that event, the petitioner is put to mental agony because of the inaction on the part of the office of the Commissioner of Coimbatore City Municipal Corporation. Being aggrieved by the inaction on the part of the respondents 3 and 4 in not considering the representations and in particular her last representation dated 30.12.2015, which has been received by them on 31.12.2015 and having left with no other effective alternative remedy, the petitioner has come up with the present writ petition.

5. Considering the factual aspects of the matter, this Writ Petition is disposed of, with a direction to the respondents 3 and 4 to consider the petitioner's representation, dated 30.12.2015, with regard to payment of retirement benefits 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. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

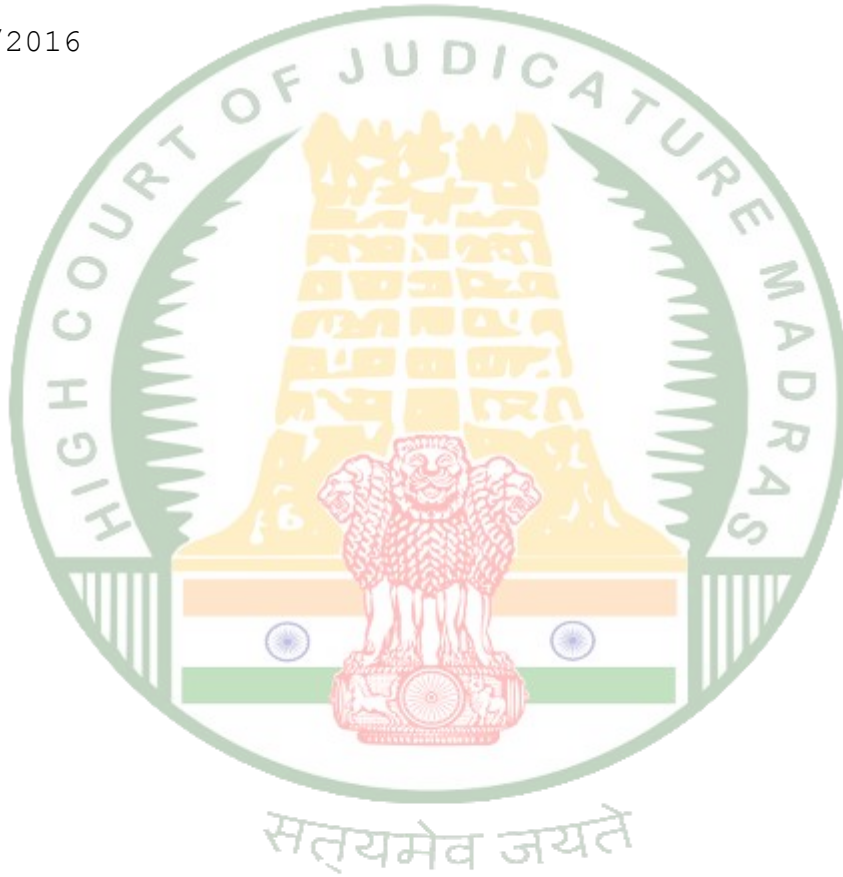
- 1.The Municipal Administration
and Water Supply Department
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.
- 2.The Commissioner of Municipal Administration
Chepauk, Chennai - 600 005.
- 3.The Commissioner
Coimbatore City Municipal Corporation
Coimbatore 641 001.

4.The Assistant Commissioner, East Zone,
Coimbatore City Municipal Corporation
Singanallur,
Coimbatore 641 005.

+1cc to Mr.V.Nicholas, Advocate Sr.57023
+1cc to Mr.K.Magesh, Advocate Sr.57007

W.P.No.10986 of 2016

lrs[co]
srg 15/11/2016



WEB COPY