

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2016

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

WP.No.34126 of 2015
MP.Nos.1 to 3 of 2015

K.Pitchandi
Petitioner

Vs

- 1.Government of Tamil Nadu by Principal Secretary
Municipal Administration and Water Supply Department
Fort St.George, Chennai-9
- 2.The Corporation of Chennai by its Principal Secretary
Commissioner, Chennai-3
- 3.The Deputy Commissioner (Education)
Corporation of Chennai, Chennai-3
Respondents

Prayer:- This Writ Petition is filed to issue a Writ of Certiorarified Mandamus to call for the records relating to the order of the 2nd Respondent in DC(Edn)PC.No.24/2015, dated 16.2.2015 and 21.9.2015 and to quash the same and to direct the Respondents to reinstate the Petitioner in the post of Project Officer or in an equivalent post in the Corporation of Chennai with all monetary and other service and attendant benefits.

For Petitioner : Mr.K.Raja

For Respondent : Mr.S.Gunasekaran, GA-R1
Mr.G.Anantharangan-RR2&3

ORDER

In this Writ Petition, the Petitioner seeks to quash the order of the 2nd Respondent dated 16.2.2015, relieving him from the post of Project Officer and dated 21.9.2015, rejecting the claim of the Petitioner and for a direction to the Respondents to reinstate the Petitioner in the post of Project Officer or in an equivalent post in the Corporation of Chennai with all monetary and other service and attendant benefits.

2. This court heard the learned counsel on either side and also perused the materials placed on record.

3. After some elaborate arguments by the learned counsel on either side, the learned counsel for the Petitioner mainly would contend that the Petitioner is out of job from July 2015 and in spite of the earlier directions of this court to complete the enquiry and also to pay subsistence allowance, till date neither the enquiry proceedings has been completed nor the subsistence allowance has been paid and in view of the same, the Petitioner is facing difficulties. In this connection, he would also contend that the Petitioner is always willing to cooperate with the enquiry proceedings and the delay is caused only by the concerned authority.

4. On the contrary, the Respondents would contend that since the Petitioner is only on contractual employment, he is not eligible for subsistence allowance nor he is entitled to any other benefit and further, his contract is ceased with effect from 2015, but however, the Respondents would abide by the earlier directions of this court and complete the enquiry within a period of three months, on the cooperation given by the Petitioner.

5. It is made clear that earlier, the Respondents did not comply with the earlier directions of this court and that neither they paid the subsistence allowance nor the enquiry is completed within the time. Of course, a stand is taken by the Respondents that the Petitioner is not entitled for the subsistence allowance as he is only a temporary employee and further, the contract is ceased with effect from July 2015 since the very scheme itself has been closed. Under these circumstances, the Respondents raised the plea of eligibility for payment of subsistence allowance. But, the fact remains that till they have not completed the enquiry proceedings within the time granted by this court. Even during the pendency of the Writ Petition, though there was no stay, they could not complete the enquiry and they have not taken any steps to complete the enquiry. In such view of the matter, the Respondents are directed to complete the enquiry within a period of three months from today without even waiting for the copy of this order. If they failed to complete the enquiry in spite of the cooperation given by the Petitioner within the said time, de hors the eligibility, the Petitioner will be paid subsistence allowance of 50% of the last drawn pay from then onwards.

6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, the connected MPs ARE closed.

s/d-
Assistant Registrar(CS-VI)

True Copy

Sub-Assistant Registrar

o:

- 1.The Principal Secretary
Government of Tamil Nadu by Principal Secretary
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Fort St.George, Chennai-9
 - 2.The Principal Secretary
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Commissioner, Chennai-3
 - 3.The Deputy Commissioner (Education)
Corporation of Chennai, Chennai-3
- +1 cc to Mr.K.Raja Advocate sr 46869

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