

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2016

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P. No.21989 of 2012

&

M.P.Nos.1 and 2 of 2012

L.Jayachandran

... Petitioner

Vs.

The Commissioner,
Coimbatore City Municipal Corporation,
Coimbatore - 641 001.

... Respondent

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to impugned order of the Commissioner, Coimbatore City Municipal Corporation issued in his proceedings Na.Ka.No.12545/2010/FC2 dated 31.03.2011 and quash the same and consequently direct the Commissioner, Coimbatore City Municipal Corporation to release the DCRG amount due to the petitioner within a reasonable period as may be fixed by this Court, with interest as admissible under the rules.

For Petitioner : Mr.T.Ranganathan

For Respondent : Mr.R.Sivakumar

सत्यमेव जयते
O R D E R

This Writ Petition has been filed to issue a Writ of Certiorarified Mandamus, to call for the records relating to impugned order of the respondent dated 31.03.2011 and quash the same and consequently direct the respondent to release the DCRG amount due to the petitioner.

2.The petitioner joined service as Record Clerk in the year 1972. He was promoted as Junior Assistant in the year 1974; as Assistant in the year 2001; as superintendent in the year 2006; and further promoted as Assistant Commissioner in the year 2011 and retired from service on 31.03.2011. On the date of his retirement, the respondent has issued a proceeding dated

31.03.2011, by which he has permitted the petitioner to retire from service on attaining the age of superannuation, however, the DCRG amount has been withheld due to the pendency of audit objections and the amount of DCRG will be sanctioned only after the settlement of 6 audit objections. According to the petitioner, he made several representations to the respondent requesting him to release the DCRG amount but till date no orders have been passed and hence, the Writ Petition has been filed.

3.Mr.T.Ranganathan, the learned counsel for the petitioner would submit that though the petitioner has sought for a larger prayer seeking to quash the impugned order, since he has retired from service on 31.03.2011, he would be satisfied, if his representation is directed to be considered and appropriate orders are passed as expeditiously as possible.

4.Mr.R.Sivakumar, the learned counsel for the respondent would submit that some of the officers both above and below to the petitioner are made representations to release the DCRG amount, which were also pending due to the pendency of the audit objections and hence, the DCRG amount has not been paid to the petitioner.

5.Considering the submissions made on either side, this Court, without going into the merits of the claim made by the petitioner, directs the respondent to consider the petitioner's representation dated 26.06.2012 and pass appropriate orders, on merits and in accordance with law afresh, as expeditiously as possible, preferably, within a period of three months from the date of receipt of a copy of this order. However, it is made clear the respondent shall pass orders, independently, depending on the facts and circumstances of the case.

6.The Writ Petition is disposed of accordingly. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

sri

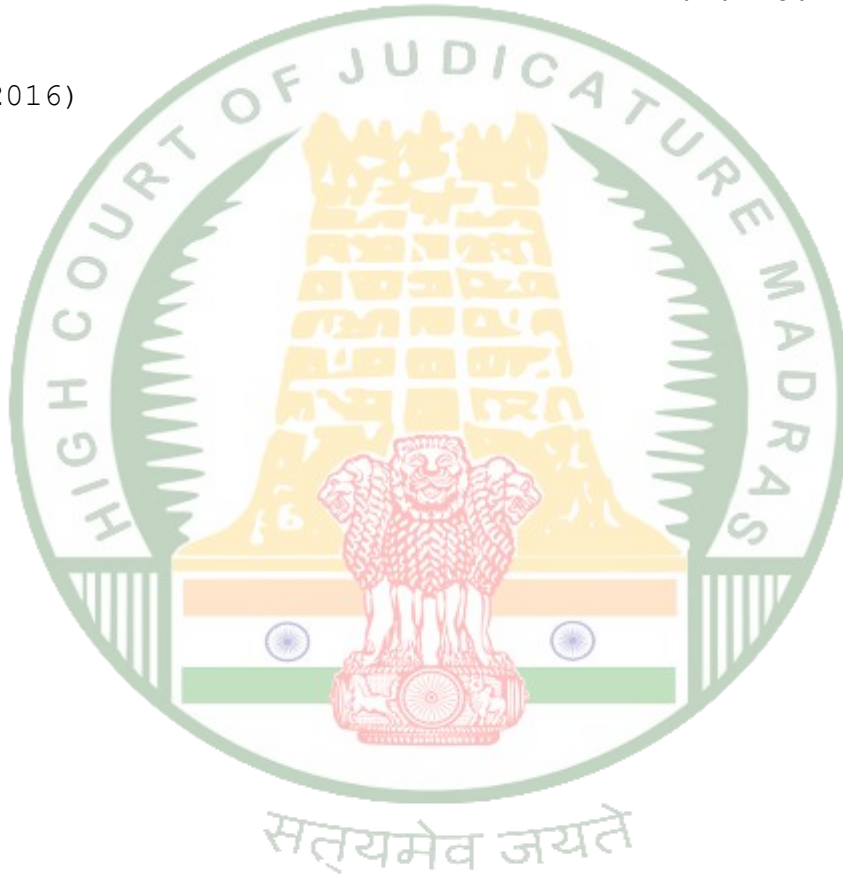
To

The Commissioner,
Coimbatore City Municipal Corporation,
Coimbatore - 641 001.

+1cc to Mr.T.Ranganathan, Advocate, S.R.No.31608
+1cc to Mr.R.Sivakumar, Advocate, S.R.No.31637

W.P. No.21989 of 2012

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