

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2016

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.559 of 2015
and
M.P.Nos.1 and 2 of 2015

C.Gopal

... Petitioner

Vs.

1. The Commissioner,
Corporation of Chennai,
Chennai - 600 003.
2. The Regional Deputy Commissioner (Central)
Central Taluk Office,
Corporation of Chennai,
Chennai.
3. The Zonal Officer,
Old Zonal Office - III, New VI,
Corporation of Chennai,
Chennai - 600 003.
4. The Asst.Revenue Officer,
Old Zonal Office - III, New VI,
Revenue Department,
Corporation of Chennai,
Chennai - 600 003.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent in connection with the Impugned Order in Ma.Va.Thu.Na.Ka.No.R1/002350/2014 dated 21.3.2014 to quash the same and consequently, direct the respondents to pay the increment which is stopped to the petitioner.

For petitioner : Mr.V.Gangatharan

For Respondents : Mr.V.C.Selvasekaran

ORDER

Heard the learned counsel for the petitioner and perused the materials on record.

2. Though many contentions have been raised in the affidavit filed in support of the Writ Petition, on the contrary, in the counter affidavit filed by the third respondent, it is stated by the respondent that the petitioner has an appeal remedy under By-law 12 of the Chennai Corporation Class III and IV Service (Discipline an Appeal) By-laws.

3. The learned counsel for the petitioner has not disputed the aforesaid fact of availability of appeal remedy. Moreover, he has accepted to file an appeal before the appellate authority against the impugned order.

4. In view of the above facts, there is no necessity to deal with the averments made in the affidavit filed in support of the Writ Petition as well as in the Counter Affidavit filed by the third respondent. As the petitioner is having an efficacious appeal remedy, the petitioner is directed to file an appeal under the relevant provisions of law within a period of two weeks from the date of receipt of a copy of this order.

5. At this juncture, the learned counsel for the petitioner submitted that during the pendency of the appeal to be preferred, the respondents may be directed to pay pension benefits and other benefits. Insofar as this aspect is concerned, the writ petitioner is directed to make a representation before the first respondent and on receipt of the same, the first respondent is directed to consider and pass appropriate orders in accordance with law within a period of four weeks from the date of receipt of representation from the petitioner.

6. In the result, the Writ Petition is disposed of. No costs. Connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

asvm

To

1. The Commissioner,
Corporation of Chennai,
Chennai - 600 003.
2. The Regional Deputy Commissioner (Central)
Central Taluk Office,
Corporation of Chennai,
Chennai.
3. The Zonal Officer,
Old Zonal Office - III, New VI,
Corporation of Chennai,
Chennai - 600 003.
4. The Asst.Revenue Officer,
Old Zonal Office - III, New VI,
Revenue Department,
Corporation of Chennai,
Chennai - 600 003.

+1cc to Mr.V.Gangatharan, Advocate, S.R.No.53375

W.P.No.559 of 2015
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GJ(CO)
CA(06/10/2016)



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