

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.32531 of 2016

K.Janarthanan

... Petitioner

vs.

1.The Commissioner of Municipal Administration,
Chepauk, Chennai-5.

2.The Secretary to Government,
Municipal Administration and Water Supply
Department, Secretariat, Chennai-9. Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the 1st respondent to consider the representation of the petitioner dated 29.01.2016 for revocation of his suspension order issued by the 1st respondent in Roc.No.29213/96/F1 dated 13.01.1997 within a reasonable time fixed by this Court.

For Petitioner : Mr.T.Ranganathan

For Respondents : Mr.R.Rajeswaran,
Spl. Govt. Pleader

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for Mandamus, directing the 1st respondent to consider the representation of the petitioner dated 29.01.2016 for revocation of his suspension order issued by the 1st respondent in Roc.No.29213/96/F1 dated 13.01.1997 within a stipulated time fixed by this Court.

3. It is the case of the petitioner that initially, he was appointed as Overseer in the year 1983 and joined at Salem Municipality on 03.02.1983. Subsequently, he was promoted as Junior Engineer on 02.05.1983 and posted at Erode Municipality and thereafter, he has served in various Municipalities. During his tenure at Tiruchengode Municipality, he was appointed as Additional Junior P.A. to the Hon'ble Minister for Local Administration at Chennai and he has joined the said post on deputation on 08.06.1993

and continued till 12.05.1996. On 21.05.1996, he was posted at Kadayanallur Municipality as Junior Engineer. The Commissioner of Municipal Administration placed him under suspension w.e.f. 04.11.1996 in his Proceedings Roc.No.29216/96/F1 dated 13.01.1997 consequent to the criminal proceedings initiated against him in Cr.No.21/1996 in Spl.C.C.No.15/97 filed on 24.10.1997.

4. The further case of the petitioner is that the learned XII Additional Sessions Judge, Chennai, by judgment dated 30.05.2000 convicted the petitioner by imposing 5 years imprisonment along with a fine of Rs.10,000/-, in default, to undergo 3 months imprisonment. The same was set aside by this Court by judgment dated 21.08.2009 made in Crl.A.No.456 of 2000. The Government has not filed any appeal against the same. Hence the order of this Court has become final. Thereafter, the petitioner has submitted a representation dated 12.10.2009 to the 1st respondent along with a copy of the judgment for revocation of his suspension. But, no orders have been passed on the same. Thereafter, the petitioner has sent several representations to the 1st and 2nd respondents requesting for revocation of the suspension order. But, there was no response from the respondents 1 and 2. Finally, the petitioner has sent a representation dated 29.01.2016 to the respondents 1 and 2. Since no reply is forthcoming, the petitioner is before this Court with this Writ Petition.

5. Heard the learned Counsel for the petitioner and the learned Special Government Pleader appearing for the respondents.

6. Considering the facts and circumstances of the matter and also considering the limited prayer made in the Writ Petition, without going into the merits of the claim made by the petitioner, the petitioner is directed to give a fresh representation to the 1st respondent along with a copy of this order, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the 1st respondent is directed to consider the same and pass appropriate orders, on merits and in accordance with law, within a period of six weeks thereafter. It is made clear that this Court has not expressed any opinion regarding the merits of the claim made by the petitioner. It is for the 1st respondent to decide the same. The writ petition is disposed of accordingly. No costs.

tsi

Sd/-

Assistant Registrar (CS-III)

/TRUE COPY/

Sub-Assistant Registrar

To

1.The Commissioner of Municipal Administration,
Chepauk, Chennai-5.

2.The Secretary to Government,
Municipal Administration and Water Supply
Department, Secretariat, Chennai-9.

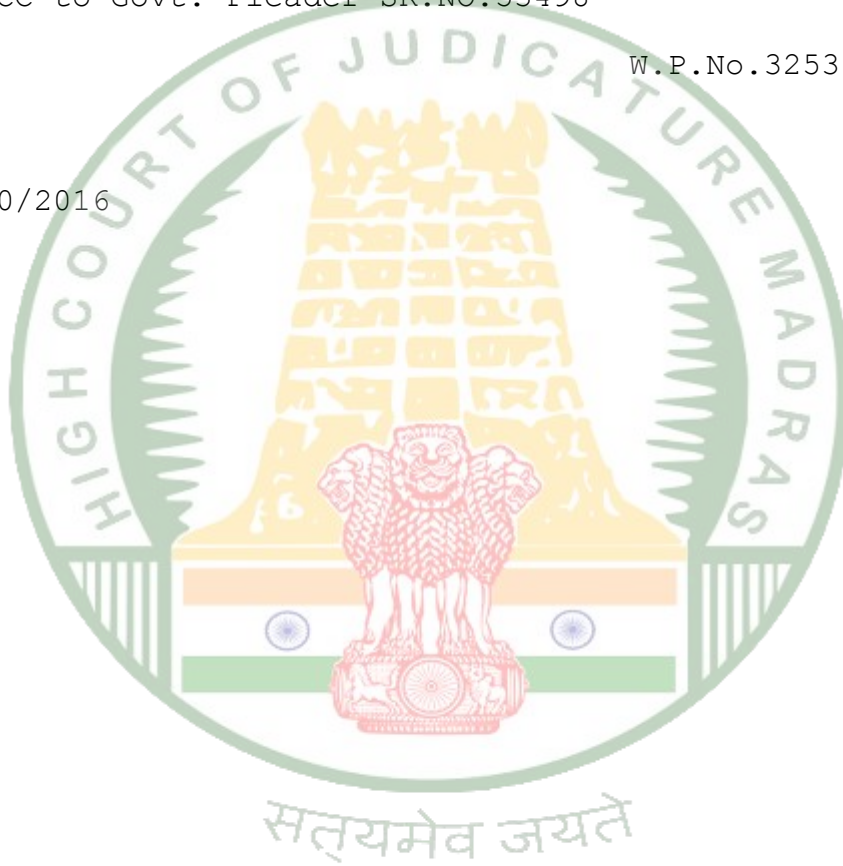
+1CC to MR.T.RANGANATHAN Advocate SR.NO.52741

+1CC to Govt. Pleader SR.NO.53498

W.P.No.32531 of 2016

NR[CO]

MK:21/10/2016



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