

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2016

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.40234 of 2016

D.Nedunchezian

... Petitioner

vs.

1. The Principal Secretary to  
Government, Home (Transport)  
Department,  
Fort St. George,  
Chennai 600 009.
  2. The Transport Commissioner,  
Ezhilagam, Chepauk,  
Chennai 600 005.
  3. The Joint Transport Commissioner,  
K.Pudhukulam,  
K.Pudur, Madurai - 625 007.
- ... Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of mandamus directing the respondents to consider the representation dated 04.07.2016 submitted by the petitioner for revocation of suspension, reinstatement, promotion, payment of salary, increment, Dearness Allowance, House Rent Allowance, City Compensatory Allowance, Back wages, all consequential service benefits, bonus, Medical benefits, other allowances, extension of service for the period of suspension beyond the date of retirement on superannuation till the order of revocation of suspension.

For Petitioner : Mr.G.Anbumani  
for Mr.V.Sankaranarayanan

For Respondents: Mr.N.Srinivasan,  
Additional Government Pleader

O R D E R

The petitioner has come up with this Writ Petition seeking a direction to the respondents to consider his representation dated 04.07.2016 for revocation of suspension, reinstatement, promotion, payment of salary, increment, Dearness Allowance, House Rent Allowance, City Compensatory Allowance, Back wages, all consequential service benefits, bonus, Medical benefits, other allowances, extension of service for the period of suspension beyond the date of retirement on superannuation till the order of revocation of suspension.

2. According to the petitioner, he was appointed as Assistant Motor Vehicles Inspector in the year 1975 and subsequently promoted as Motor Vehicles Inspector Grade - I in the year 1978. By G.O.Ms.No.1473, the Special Commissioner and Secretary to Government, by proceedings dated 17.06.1985, temporarily appointed the petitioner and two others, as Assistant Engineer (Motor Vehicles) by direct recruitment from among the holders of the post of Motor Vehicles Grade-I, possessing a degree in Engineering. By proceedings dated 07.08.1990, the Joint Transport Commissioner, Madras has ordered that the petitioner is fully qualified to hold the post as Assistant Engineer (Motor Vehicles) with effect from 04.07.1985, the day on which he assumed charge.

3. While so, by G.O.Ms.No.1224, Home (Tr.II) Department, dated 31.05.1988, the petitioner was placed under suspension from service, since a criminal offence in C.C.No.13 of 1988 was under trial on the file of the Principal Sessions Judge, Chennai and subsequently, after committal, it was numbered as C.C.No.22 of 1997 on the file of the XI Additional Special Court for CBI cases, Chennai. During the pendency of the case, the petitioner was not allowed to retire on the date of superannuation, i.e. on 31.12.2004. Nearly, after three decades, the judgment was pronounced by the XI Additional CBI Court, Chennai on 29.01.2016, acquitting the petitioner. Since the petitioner is eligible for retirement and other benefits, including gratuity and pension, he sent a representation to the respondents on 04.07.2016. Since there was no response from the respondents, the petitioner sent two reminders on 12.08.2016 and 15.09.2016 to the respondents. Finding no action on the part of the respondents, the petitioner is before this Court.

4. When the matter is taken up for consideration, learned counsel for the petitioner submitted that it would suffice, if the petitioner's representation dated 04.07.2016 is directed to be considered by the respondents within a stipulated period. He also submitted that no appeal is filed against the order of acquittal passed in respect of the petitioner.

5. In view of the above, without expressing any opinion on

the merits of the case, this Court directs the petitioner to send a fresh representation along with a copy of this order to the 1st respondent 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 the law within a period of six weeks, thereafter.

This Writ Petition is disposed of with the above direction.  
No costs.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

aeb

To:

1. The Principal Secretary to Government,  
Home (Transport) Department,  
Fort St. George, Chennai 600 009.
2. The Transport Commissioner,  
Ezhilagam, Chepauk,  
Chennai 600 005.
3. The Joint Transport Commissioner,  
K.Pudhukulam,  
K.Pudur, Madurai - 625 007.

1 cc to M/s. V. Sankaranarayanan, Advocate SR.66828

1 cc to the Government Pleader Sr.67523

W.P.No.40234 of 2016

ALA(CO)

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