

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.43249/2016 & WMP.Nos.37104 & 37105/2016

K.G.Umapathy

..

Petitioner

Vs

1.The Commissioner of Municipal Administration
Chepauk, Chennai 600 005.

2.The Secretary to Government
Municipal Administration & Water Supply
Department, Secretariat, Chennai 600 009.

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Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the 1st respondent to finalise the audit paras which is pending apparently for no valid reasons for more than 10 years and consequently direct the 2nd respondent to allow the petitioner to retire from service and to settle all the retirement benefits within a reasonable period as may be fixed by this Court.

For Petitioner : Mr.T.Ranganathan

For RR 1 & 2 : Mr.K.Dhananjayan, Spl.GP

ORDER

By consent, the writ petition is taken up for final disposal. Mr.K.Dhananjayan, learned Special Government Pleader accepts notice on behalf of the respondents.

2 The petitioner while working as Municipal Commissioner, Karur, was placed under suspension on the eve of his superannuation on 28.02.2011 by the order passed by the 2nd respondent in G.O [2D] No.27, Municipal Administration and Water Supply Department dated 24.02.2011 and thereafter, he was visited with Disciplinary Proceedings under Rule 17[b] of the Tamil Nadu Civil Services [Discipline and Appeal] Rules, vide proceedings dated 08.02.2011. The petitioner made a challenge to the charge memo by filing a writ petition in WP.No.4801/2011 and vide interim order dated 27.07.2011

in MP.No.1/2011, all further proceedings pursuant to the charge memo have been stayed by this Court and it is still under subsistence. The grievance expressed by the petitioner is that the substratum of the charges relating to the irregularities and revenue loss pointed out in the Audit Paras pending in Kulithalai, Melur, Namakkal, Udumalpet and Thanjavur Municipalities, aggregating to an amount of Rs.64,14,289/- individually and also for an amount of Rs.7,98,71,593/- collectively, as noted in Annexure-IIA.

3 The learned counsel for the petitioner would submit that in respect of Melur, Kulithalai, Thanjavur, Namakkal and Udumalpet Municipalities, the 2nd respondent had issued the proceedings dated 27.11.2015 ; 01.12.2015 ; 30.05.2106 ; 28.06.2016 and 19.07.2016 respectively, stating that the audit objections relating to the petitioner have been settled and insofar as Madhavaram, Hosur and Kancheepuram Municipalities are concerned, the audit paras are yet to be settled and therefore, prays for appropriate orders to fix upper time limit for settlement of the same.

4 Heard the submissions of Mr.K.Dhananjayan, learned Special Government Pleader appearing for the respondents.

5 This Court, taking into consideration the limited scope of prayer sought for by the petitioner and without going into the merits of the claim projected by the petitioner, directs the 1st respondent to settle and finalise the audit paras relating to Madhavaram, Hosur and Kancheepuram Municipalities as expeditiously as possible and not later than three months from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

6 The writ petition stands disposed of with the above direction. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

AP

To

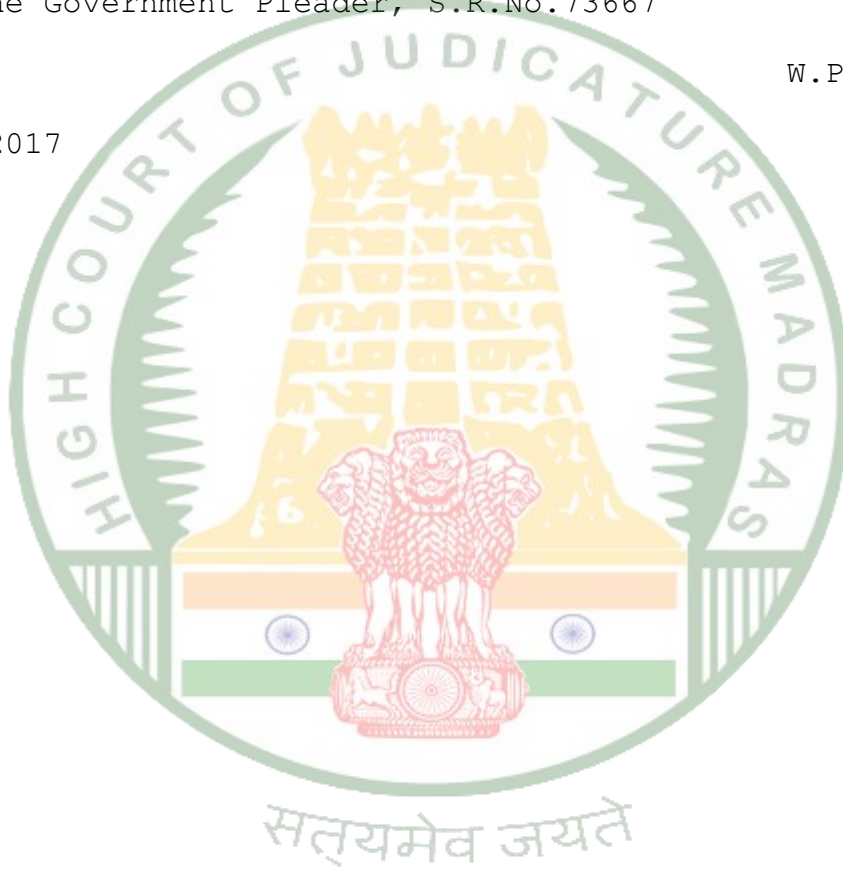
1.The Commissioner of Municipal Administration
Chepauk, Chennai 600 005.

2.The Secretary to Government
Municipal Administration & Water Supply
Department, Secretariat, Chennai 600 009.

+lcc to Mr.T.Ranganathan, Advocate, S.R.No.73114
+lcc to the Government Pleader, S.R.No.73667

W.P.No.43249/2016

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