

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2016

CORAM:

THE HONOURABLE Mr. JUSTICE T.RAJA

W.P. No.7681 of 2016

A.Sundaram

.. Petitioner

-vs-

1.State of Tamilnadu,
rep. by its Principal Secretary to Government,
Revenue Department,
Secretariat, Chennai 600 009.

2.Principal Commissioner &
Commissioner of Revenue Administration,
Chepauk, Chennai-5.

3.The District Collector,
Namakkal.

4.The Principal Accountant General,
(A & E), Tamil Nadu,
Anna Salai, Chennai-18.

... Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, directing the respondents herein to regularise period of suspension from 08.09.1987 to 23.01.1996 as duty period for all purposes and forthwith disburse all consequential service and monetary benefits, including revision in retirement and pensionary benefits and disbursement of all arrears with interest on the delayed payment with effect from 01.06.2000.

For petitioner : Mr.M.Ravi

For respondents : Mr.R.Vijayakumar,
Additional Government Pleader
for R1 to R3
Mr.V.Vijay Shankar for R4

ORDER

This writ petition has been filed by the petitioner, seeking a direction to the respondents to regularise the period of suspension from 08.09.1987 to 23.01.1996 as duty period for all purposes and forthwith disburse all consequential service and monetary benefits, including revision in retirement and pensionary benefits and

disbursement of all arrears with interest on the delayed payment with effect from 01.06.2000.

2.Learned counsel appearing for the petitioner would submit that the petitioner was placed under suspension from 08.09.1987 to 23.01.1996 on the ground that a criminal case pertaining to an alleged occurrence took place on 31.08.1987, was under investigation. Therefore, the petitioner preferred O.A. No.6011 of 1994 before the Tamil Nadu Administrative Tribunal. The learned Tribunal, by its order dated 20.06.1996 in the said O.A., has allowed the application filed by the petitioner. As a result he was re-instated into service on 24.01.1996. Finally, the learned Tribunal, by order dated 27.04.2000 in O.A. No.372 of 1995, taking note the long pendency of the disciplinary proceedings, quashed the disciplinary proceedings, with a direction to the respondents to allow the petitioner to retire from service on 31.05.2000. Accordingly, the petitioner was allowed to retire on 31.05.2000.

3.In this background, the learned counsel for the petitioner would further submit that the period of suspension namely 08.09.1987 to 23.01.1996 has not been regularised till date, although the petitioner has given number of representations. Therefore, the petitioner has filed W.P. No.33770 of 2015 seeking direction to the respondents . By order dated 26.10.2015, this Court, directed the third respondent to consider the representation dated 18.03.2014. Since in the said writ petition, third respondent was inadvertently mentioned as District Collector, Salem instead of District Collector, Namakkal, who is the competent authority to issue direction, the petitioner is before this Court by filing this petition afresh, for the same relief.

4.Heard the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for respondents 1 to 3 and the learned Standing Counsel appearing for the fourth respondent.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner was retired long back and this Court has already issued directions to the third respondent in W.P. No.33770 of 2015 dated 26.10.2015, for the same relief, the third respondent is directed to consider the representation dated 18.03.2014, given by the petitioner and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. Accordingly, the writ petition is disposed of. No costs.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

vga

To

1.The Principal Secretary to Government,
State of Tamilnadu,
Revenue Department,
Secretariat, Chennai 600 009.

2.Principal Commissioner &
Commissioner of Revenue Administration,
Chepauk, Chennai-5.

3.The District Collector,
Namakkal.

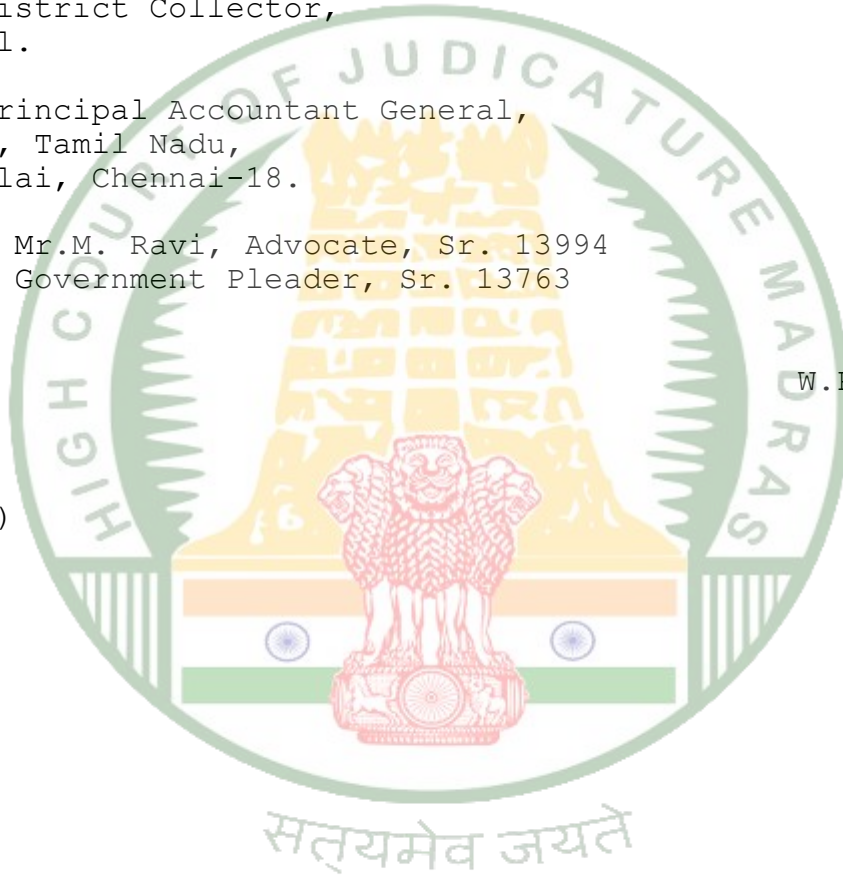
4.The Principal Accountant General,
(A & E), Tamil Nadu,
Anna Salai, Chennai-18.

1 cc to Mr.M. Ravi, Advocate, Sr. 13994

1 cc to Government Pleader, Sr. 13763

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BVR (CO)
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