

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.Nos.972 and 973 of 2016

M.R.Palanisamy

.. Petitioner in both WPs

Vs.

1.State of Tamil Nadu rep. By
the Secretary to Government
Municipal Administration and Water Supply,
Secretariat, Chennai - 9.

2.The Director of Town Panchayat,
Kuralagam, Chennai - 108.

3.The District Collector,
Erode.

.. Respondents in both WPs

Prayer : Writ petitions filed under Article 226 of the
Constitution of India praying for issuance of Writ of Mandamus
directing the first respondent to dispose of the petitioner's
appeals dated 03.05.2014.

For Petitioner : Mr.S.Vijayakumar

For Respondents : Mr.Jayaprakash Narayanan,
Special Government Pleader

COMMON ORDER

By consent, both these writ petitions are taken up for
final disposal.

2.The petitioner has filed these writ petitions, seeking a
direction to the first respondent to dispose of the appeals
dated 03.05.2014 filed by him.

3.According to the petitioner, he was working as Executive
officer from 15.10.1997 to 09.09.1999 in Pallapalayam Town
Panchayat, Erode District. While so, the Director of Vigilance
and Anti Corruption Department, Erode prosecuted the petitioner
along with one Bill Collector under Section 7 and 13(2) r/w
Section 13(1)(d) of the Prevention of Corruption Act 1988 in

Spl.CC.No.39 of 2001 on the file of the Chief Judicial Magistrate cum Special Judge, Erode, which ended in conviction. Challenging the same, the petitioner approached this court by way of Crl.A.No.659/2006, which was allowed and the conviction and sentence imposed on the petitioner was set aside. Pursuant to the same, the petitioner filed WP.No.28984/2011 for a writ of Certiorari and Mandamus, calling for the records relating to the order of the third respondent dated 03.04.2008 thereby dismissing the petitioner from service and quash the same and consequently, directing the respondents to pay his retirement benefits with notional promotion. This court by order dated 26.11.2013, disposed of the said writ petition by converting the dismissal of service as compulsory retirement and directing the respondents to settle the pensionary benefits and other retirement benefits within a period of four weeks.

4.It is the further case of the petitioner that in the mean while, the petitioner was subjected to disciplinary proceedings. The Enquiry officer found the petitioner not guilty of any charges, however, the second respondent Disciplinary Authority by order dated 10.03.2014 awarded a punishment of compulsory retirement with effect from 31.08.2004 and ordered withholding of one third of the Death-cum-Retirement benefits, against which, the petitioner preferred an appeal dated 03.05.2014 before the first respondent. The petitioner also filed another appeal dated 03.05.2014 for early settlement of his retirement benefits. Since both the appeals are yet to be disposed, the petitioner is before this court.

5.Heard Mr.S.Vijayakumar, learned counsel for the petitioner and Mr.Jayaprakash Narayanan, learned Special Government Pleader, who took notice for the respondents.

6.Considering the facts and circumstances of the case, this Court, without going into the merits of the case, directs the first respondent to dispose of the petitioner's appeals dated 03.05.2014 on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order.

7.Both the writ petitions are accordingly disposed of. No costs.

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-s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

1.The Secretary to Government
State of TamilNadu
Municipal Administration and Water Supply,
Secretariat, Chennai - 9.

2.The Director of Town Panchayat,
Kuralagam, Chennai - 108.

3.The District Collector, Erode.

+1 cc to Government Pleader sr.2256
+2 ccs to Mr.S.Vijayakumar Advocate sr.1885,
1886

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gj(co)
aa10/02/2016



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