



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.07.2016

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

W.P (MD) No.12229 of 2015

P.Rajendran

... Petitioner

vs.

1)The Commissioner,
Corporation of Madurai,
Madurai.

2)The Assistant Commissioner (North),
Corporation of Madurai,
Madurai.

3)The Assistant Commissioner (West),
Corporation of Madurai,
Madurai.

... Respondents

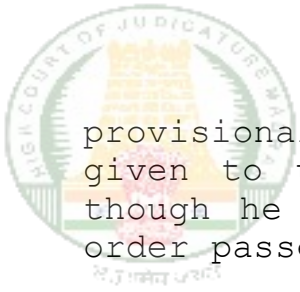
Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to forthwith grant the revised pay of the petitioner since 1996 with all increments and grant all his retirement benefits as on 30.6.13.

For Petitioner : Mr.A.R.L.Sundaresan, Senior Counsel for
Mrs.A.L.Gandhimathi

For Respondents : Mr.R.Murali

ORDER

Mr.A.R.L.Sundaresan, learned Senior Counsel appearing for Mrs.A.L.Gandhimathi, learned counsel for the petitioner would submit that the petitioner was allowed to retire from service three years ago by proceedings dated 28.06.2013 and thereafter, he has been paid with a meagre amount of provisional pension at Rs.3,050/- from 01.07.2013 onwards. When the petitioner was allowed to retire subject to few conditions that the respondents would pass appropriate order, taking into account some of the pending disciplinary proceedings, if any, the delay of three years goes to show that there is no any pending disciplinary proceeding against the petitioner, therefore, when the petitioner is finding it difficult to make his both ends meet by receiving only a



provisional pension of Rs.3,050/-, a positive direction should be given to the respondents to settle all his retiral benefits as though he retired from service from the date of the conditional order passed on 28.06.2013.

2. Drawing the notice of this Court to an order passed by this Court in W.P(MD)No.8766 of 2009 dated 10.04.2013 particularly, paragraph 5 thereto, learned Senior Counsel would submit that the respondents were already directed to consider as to whether the petitioner's pay and allowances have been properly fixed in accordance with various resolutions passed by the corporation council from time to time implementing the Government recommendation and the recommendations of the pay commission. In spite of the above order, he pleaded, the respondents have not passed any final order as a result, the petitioner is not able to get his revision of pay and monthly pension.

3. Mr. Murali, learned counsel appearing for the Madurai Corporation refuting the above submission, would submit that the order permitting the petitioner to retire from service dated 28.06.2013 passed by the Commissioner of Madurai Corporation clearly shows that it is not a clean chit, however, that was subject to various conditions, therefore, after considering the fact that whether any departmental proceedings initiated against the petitioner is pending, a final order would be passed.

4. But this Court is not inclined to accept the said contention. The reason is, when this Court by order dated 10.04.2013 in W.P(MD)No.8766 of 2009 has already directed the Commissioner, Corporation of Madurai, to take into consideration the petitioner's representation to pay the appropriate pay and allowances to him from the date on which he was entitled to receive the same, even after three years ago from the date of the said order, for the reasons best known to the respondents, no steps have been taken, therefore, this Court is of the view that there is no any departmental proceedings pending against the petitioner, hence, the respondents are directed to pass a final order within a period of ten weeks from the date of receipt of a copy of this order.

With the above directions, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(Writs)

/True copy/

Sub Assistant Registrar



To

1)The Commissioner,
Corporation of Madurai,
Madurai.

2)The Assistant Commissioner (North),
Corporation of Madurai,
Madurai.

3)The Assistant Commissioner (West),
Corporation of Madurai,
Madurai.

+1cc to M/s.AL.Ganthimathi, Advocate SR.No.38661

+1cc to Mr.R.Murali, Advocate SR.No.38748

nbi

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