

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2017

CORAM:

THE HON'BLE MR. JUSTICE T. RAJA

W.P. No.6082 of 2017

M. Gunasekaran

Petitioner

VS.

1.The Director of Local Fund Audit
Kuralagam IV Floor
Chennai 600 108

2.The Commissioner
Namakkal Municipality
Namakkal

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to implement the recommendations of the second respondent proceeding No.95/2008/m3 dated 23.11.2016 in pursuance of the order passed in W.P. No.8514 of 2009 dated 12.10.2012.

For petitioner Mr. A.R. Nixon
For respondents Mr. V. Jayaprakash Narayanan
Special Government Pleader

ORDER

Mr. V. Jayaprakash Narayanan, learned Special Government Pleader, accepts notice for the respondents. With consent, this writ petition is taken up for final disposal, at the admission stage itself.

2 The factual matrix of this case is as under:

2.1 The petitioner was working as Sanitary Inspector at Namakkal Municipality and he is a pensioner now, having retired from service on 30.04.2008. Since the Director of Local Fund Audit, the first respondent herein, did not sanction his pensionary benefits, despite his repeated representations, he filed W.P.No.30080 of 2008 seeking a mandamus directing the first respondent to consider his representations, which was disposed of by this Court vide order dated 19.02.2009, pursuant to which, the first respondent sanctioned pensionary benefits to him. However, the pensionary benefits were not released to him.

Meanwhile, an order was passed by the first respondent reducing the pensionary benefits and also to recover a sum of Rs.3,20,964/- from the Gratuity payable to him, on the ground that he was paid excess salary from 01.06.1988 to 01.07.2007, due to wrong calculation. The said reduction of pensionary benefits and order of recovery was challenged by him in W.P.No.8514 of 2009, which was ultimately allowed by order dated 12.10.2012. Since the said order was not complied with, he filed Contempt Petition No.2096 of 2013, which was closed on 22.11.2016 since the first respondent agreed to sanction all the benefits. Notwithstanding such an undertaking, he was not paid his pensionary benefits. While things stood thus, pursuant to the letter dated 11.04.2016 from the Commissioner of Municipal Administration asking the Commissioner, Namakkal Municipality, the second respondent herein, to obey this Court's order dated 12.10.2012, the second respondent had seemingly set right the anomaly and forwarded a chart to the first respondent vide proceedings dated 23.11.2016. Yet, the first respondent has not acted on the second respondent's proceedings dated 23.11.2016.

2.2 Hence, the petitioner has filed this writ petition seeking a direction to the first respondent to implement the recommendations in the proceedings dated 23.11.2016 of the second respondent, which was issued pursuant to the order dated 12.10.2012 passed by this Court in W.P.No.8514 of 2009.

3 Taking into account the order dated 12.10.2012 passed by this Court in W.P.No.8514 of 2011 and also the proceedings dated 23.11.2016 of the second respondent, the learned Special Government Pleader appearing for the respondents sought six weeks' time for the first respondent to pass final orders in the matter.

4 Acceding to the request made by the learned Special Government Pleader, the first respondent is directed to pass final orders in the matter within a period of six weeks from the date of receipt of a copy of this order.

With the above direction, this writ petition stands disposed of. Costs made easy.

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Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

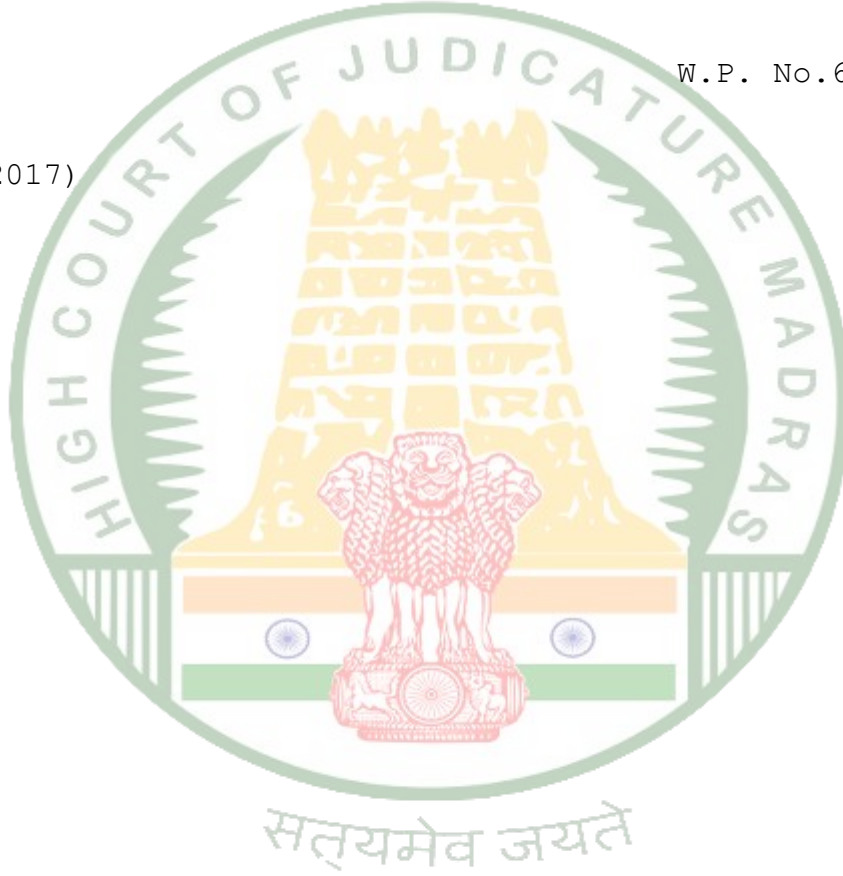
1.The Director of Local Fund Audit
Kuralagam IV Floor
Chennai 600 108

2.The Commissioner
Namakkal Municipality
Namakkal

+1cc to M/S.A.R. Nixon, Advocate Sr. 15702
+1cc to Government Pleader, Sr. 15740

W.P. No.6082 of 2017

NR(CO)
VR(23/03/2017)



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