

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.3118 of 2017

R.Mani

..Petitioner

Vs

1. The Secretary to Government,
Municipal Administration
& Water Supply Department,
Fort St.George,
Chennai -9.
2. The Commissioner of Municipal Administration,
6th Floor, Ezhilagam Annexe,
Chepauk,
Chennai - 600 005.
3. The Director of Local Fund Audit,
Kuralagam,
NSC Bose Road,
Chennai - 108.
4. The Commissioner,
Coonoor Municipality,
Nilgiris District.

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to consider and pass orders on the representation of the petitioner dated 03.12.2016 seeking for sanction and disbursal of all the retirement benefits such as pension Provident Fund, Leave salary, commutation, DCRG with interest from the date of his retirement on 31.01.2010 upto the date of payment within such time as may be fixed by this Court.

For Petitioner : Mr.N.K.Ponraj

For Respondents: Mr.K.Dhanajayan, Spl.G.P.
for R1 to R3
Mr.R.Mohanarangan, for R4

ORDER

By consent, the writ petition is taken up for final disposal. Mr.K.Dhanajayan, learned Special Government Pleader accepts notice on behalf of respondents 1 to 3 and Mr.R.Mohanarangan, learned Standing Counsel accepts notice on behalf of the 4th respondent.

2. The petitioner was appointed as a Maistry in the service of the 4th respondent and got promoted as Draughtsman in 1977 and finally, promoted to the post of Executive Engineer in the office of the Regional Director of Municipal Administration, Vellore. The petitioner was transferred to the 2nd respondent on 13.01.2010. While he was serving there, he was issued with two charge memos dated 21.01.2000 and 25.01.2010 respectively for not settling the audit objections that arose in regard to his services in Kulithalai, Coonoor. The petitioner has denied the same and the petitioner was allowed to retire from service on 31.01.2010 without prejudice to the out come of the disciplinary proceedings and he has also participated in the disciplinary proceedings and the Enquiry Officer found that the charge framed against the petitioner have not been proved. The petitioner has also approached the Honourable Chief Minister Cell.

3. Learned counsel for the petitioner would submit that as per G.O.(D)No.316 dated 20.05.2015 passed by the 1st respondent, two charges memos were issued against the petitioner and on further proceedings, the charges were dropped and he was also exonerated from the charges. Though the said order came to be passed in May 2015, the petitioner is yet to be conferred with the retirement and other benefits and hence, he submitted a representation dated 03.12.2016 to the respondents and though the representation was received and acknowledged on 09.12.2016, so far no orders have been passed. Hence, he came forward to file this writ petition.

4. Heard the submission of the learned Special Government Pleader appearing for the respondents 1 to 3 and the learned Standing Counsel appearing for the 4th respondent.

5. Though the petitioner prays for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the respondents 2 to 4 to act on G.O.No.316 of the first respondent dated 20.05.2015 and the 2nd respondent shall consider and dispose of the petitioner's

eight weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner. The writ petition is disposed of accordingly. No costs.

sd/-

Assistant Register

//True Copy //

Sub Assistant Register

vsi

To

1. The Secretary to Government,
Municipal Administration & Water Supply Department,
Fort St.George,
Chennai -9.
2. The Commissioner of Municipal Administration,
6th Floor, Ezhilagam Annexe,
Chepauk, Chennai - 600 005.
3. The Director of Local Fund Audit,
Kuralagam, NSC Bose Road,
Chennai - 108.
4. The Commissioner,
Coonoor Municipality,
Nilgiris District.

+ 1 cc to Govt.Pleader, High Court, Madras sr.8884

+ 1 cc to M/s.N.K.Ponraj, Advocate sr.8437

W.P.No.3118 of 2017

NRI [co]
RR 27/02/2017

WEB COPY