

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24-10-2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.21982 of 2014

K.Manohar .. Petitioner

-vs-

- 1.The Director of Town Panchayats,
Office at Kuralagam,
Chennai-600 108.
- 2.The Assistant Director of Town Panchayat,
Kancheepuram Region,
Kancheepuram District. ... Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the second respondent to implement the proceedings of the first respondent in Na.Ka.No.25505/2005/A1 dated 8.6.2012 and to settle the terminal benefits due and payable to the petitioner together with interest for the delay in settling the same as per G.O.Ms.No.173, dated 1.4.2004 till the date of payment.

For Petitioner - Mr.P.Ganesan for Mr.S.Vijayan

For Respondents - Mrs.K.Bhuvaneswari,
Government Advocate.

ORDER

The relief sought for in this writ petition is to implement the proceedings of the first respondent issued in Na.Ka.No.25505/2005/A1 dated 8.6.2012 and to settle the terminal benefits to the writ petitioner along with interest.

2. The writ petitioner was appointed as Panchayat Clerk-cum-Bill Collector in the then Kodambakkam Village Panchayat on 1.3.1970. Subsequently, he was posted as Clerk-cum-Bill Collector and the post was re-designated as Junior Assistant.

3. On account of certain allegations, the disciplinary proceedings were initiated against the writ petitioner and the punishment of compulsory retirement and 1/3rd deduction of gratuity amount was imposed on the writ petitioner in proceedings dated 30.6.2007.

4. The writ petitioner made a representation on 2.8.2013, stating that he has accepted the punishment and further made a representation to settle all other retirement benefits as applicable under the rules. In this regard, the Director of Town Panchayats also in his proceedings dated 8.6.2012, accepted the request of the writ petitioner and issued orders stating that in respect of his punishment, the punishment amount shall be recovered and the balance dues as applicable under the rules are to be paid to the writ petitioner.

5. In spite of the orders passed by the first respondent on 8.6.2012, no payment is made to the writ petitioner. Thus, this Court is of the view that the benefits due to the writ petitioner are to be paid without any further delay, as already more than 4-1/2 years lapsed from the date of the order passed by the first respondent on 8.6.2012.

6. Under these circumstances, the second respondent is directed to settle the terminal and pensionary benefits due to the writ petitioner, in accordance with the rules and based on the letter of the first respondent dated 8.6.2012, within a period of four months from the date of receipt of a copy of this order.

7. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Svn

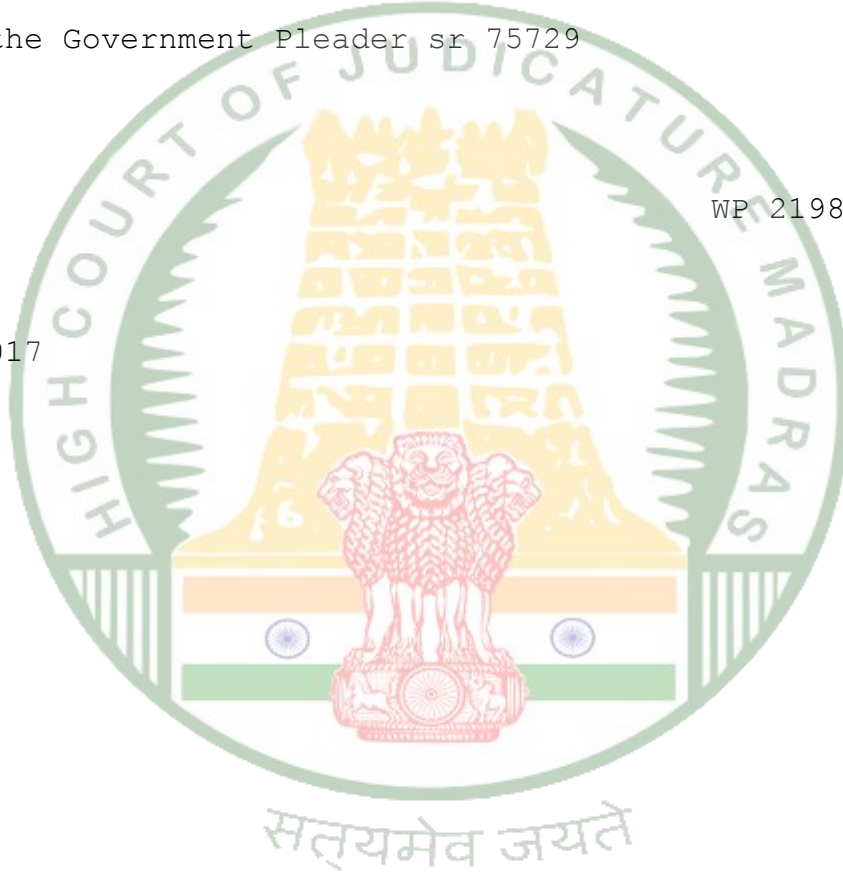
To

- 1.The Director of Town Panchayats,
Office at Kuralagam,
Chennai-600 108.
- 2.The Assistant Director of Town Panchayat,
Kancheepuram Region,
Kancheepuram District.

+1 cc to the Government Pleader sr 75729

WP 21982 of 2014

nri(co)
aa09/11/2017



WEB COPY