



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.07.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. (MD) No.13875 of 2017

R.Thandavan

... Petitioner

vs.

1. The Managing Director,
Tamilnadu Housing Board,
Nandhanam,
Chennai-35.

2. The Executive Engineer,
Tamilnadu Housing Board,
Trichy Housing Unit,
Trichy.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus, directing the respondents to pay the arrears of the petitioner's increment amount after his promotion, from 25.03.1987 to 04.10.2010.

For Petitioner

: Mr.S.Muthukrishnan

O R D E R

The petitioner was appointed as a Works Clerk in the Tamil Nadu Housing Board on 01.07.1977. He was promoted to the post of Junior Assistant on 25.03.1987 and after serving in the said post, he retired from service on reaching the age of superannuation on 31.01.2011. Before his retirement, he was placed under suspension on 04.10.2010 on the basis of a complaint lodged by one Murugesan that the petitioner demanded a sum of Rs.2,000/- as bribe. Pursuant to the said complaint, a case was also registered against the petitioner by the Inspector of Police, Vigilance and Anti Corruption, Tiruchirappalli, in Crime No.26 of 2010. Pursuant thereto, he was also charge sheeted on 06.02.2012. In the mean while, one A.Kabriel Sammanasu, who was also working in the Tamil Nadu Housing Board at Trichy and placed under suspension was sanctioned with monetary benefits from 01.09.1996 to 28.02.2012, by the Board's Proceedings No.Pa.tho.nu.A2/33795/2007, dated 17.04.2012. Since the said A.Kabriel Sammanasu was also similarly placed like that of the petitioner and that the said benefit was not extended to the petitioner, the petitioner has given



representations to the first respondent on various dates seeking the aforesaid benefits. Finding no response, he has been advised to come to this Court.

2. But, this Court is unable to entertain this writ petition. The reason is, although the petitioner has stated that he retired from service on reaching the age of superannuation on 31.01.2011, nowhere in the affidavit filed in support of the writ petition, the petitioner has averred that he was permitted to retire from service subject to the pendency of the criminal case and no such order has been placed on record to substantiate the same. Therefore, the question of extending the monetary benefit given to A. Kabriel Sammanasu cannot be made applicable to the petitioner. Secondly, the direction sought for by the petitioner to the respondents to pay him the arrears of increment amount after his promotion, from 25.03.1987 to 04.10.2010 is hit by huge and unexplained delay.

3. For the abovesaid reasons, the prayer sought for in the Writ Petition cannot be granted. Hence, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (Writs)

/True copy/

Sub Assistant Registrar

To

1. The Managing Director,
Tamilnadu Housing Board,
Nandhanam,
Chennai-35.
2. The Executive Engineer,
Tamilnadu Housing Board,
Trichy Housing Unit,
Trichy.

Vsg/smn2

AE/KP/SAR2/21.08.2017/2P/3C

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