



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.04.2017

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THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P.(MD) Nos.4876 and 4877 of 2017

and

W.M.P.Nos.3911 & 3912 and 3913, 3914 & 3915 of 2017

W.P. (MD) .No.4876 of 2017

Mathew Joseph

... Petitioner

Vs.

The Commissioner of Municipal Administration
O/o The Commissioner of Municipal Administration,
Ezhilagam, Cheppaukkam,
Chennai.

... Respondent

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the record passed by the respondent herein in Roc.No.29592/2014/C2, dated 18.09.2014 and quash the same.

For Petitioner : Mr. S.Rajendran

For Respondents : Mr. N.S.Karthikeyan

Additional Government Pleader

W.P. (MD) .No.4877 of 2017

Mathew Joseph

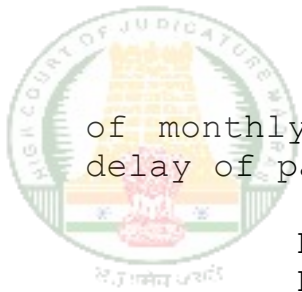
... Petitioner

Vs.

The Principal Secretary to Government,
Municipal Administration and Water Supply (ME-II) Department,
Fort St. George,
Chennai - 600 009.

... Respondent

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records of the impugned Government Orders passed by the respondent herein in G.O. (2D) No.107, dated 26.09.2014 and G.O. (2D) No.109, dated 30.09.2014 on the file of the Principal Secretary Municipal Administration and Water Supply (ME-II) Department and quash the same and consequentially direct the respondent to disburse all terminal benefits including the arrears



of monthly pension due to the petitioner with 12% interest for delay of payment of the same.

For Petitioner : Mr. S.Rajendran
For Respondents : Mr. N.S.Karthikeyan
Additional Government Pleader

COMMON ORDER

The Writ Petition in W.P.(MD) No.4876 of 2017 has been filed challenging the charge memo dated 18.09.2014 issued by the respondent against the petitioner.

2.The Writ Petition in W.P.(MD)No.4877 of 2017 has been filed challenging the order of respondent, namely, the Principal Secretary to Government, Municipal Administration and Water Supply (ME-II) Department, passed in G.O.(2D) No.107, dated 26.09.2014 and G.O.(2D) No.109, dated 30.09.2014. The first Government Order dated 26.09.2014 is an order placing the petitioner under suspension and the second Government Order dated 30.09.2014 is an order passed not to permit the petitioner to retire from service on reaching the age of superannuation on 30.09.2014 After Noon.

3. Heard the learned Counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

4. The main ground on which the petitioner has filed the present writ petitions is that some financial irregularities were found and the petitioner was also made responsible by the impugned charge memo. The disciplinary proceedings was initiated on the basis of alleged loss caused to the establishment. The contention of the petitioner is that the Audit objections relating to the items involving the petitioner has already been cleared and hence, there is no scope for the disciplinary proceedings against the petitioner for any financial irregularities or loss caused to the establishment at the instance of petitioner.

5. The learned Additional Government Pleader has not filed any counter affidavit. However, this Court, having regard to the nature of the case pleaded by the petitioner on the admitted facts, is inclined to dispose of the writ petitions with the following directions:-

"The respondent in W.P(MD) No.4876 of 2017, is directed to complete the enquiry proceedings within a period of eight weeks from the date of receipt of a copy of this order. In the mean while, the respondent shall pay subsistence allowance to the petitioner as applicable and continue to pay the same. The respondent in W.P(MD) No. 4877 of 2017, is also directed to sanction provisional pension to the petitioner within a period of twelve weeks from the date of receipt of copy of this order".



5. Accordingly, these Writ Petitions are disposed of. Consequently, Connected miscellaneous petitions are closed. No costs.

Sd/-

ASSISTANT REGISTRAR (AS)

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SUB ASSISTANT REGISTRAR

To

1. The Commissioner of Municipal Administration
O/o The Commissioner of Municipal Administration,
Ezhilagam, Cheppaukkam,
Chennai.

2. The Principal Secretary to Government,
Municipal Administration and Water Supply (ME-II) Department,
Fort St. George,
Chennai - 600 009.

+2 Ccs TO MR.K.VAMANAN, ADVOCATE, SR NO.53053&53054

+1 CC TO SPECIAL GOVERNMENT PLEADER SR NO.52760

SM/CP

MAS/RSK/SAR3:18.05.2017:3P-6C

W.P. (MD) .Nos.4876 and 4877 of 2017
18.04.2017