

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.07.2018
Coram

The Hon'ble Mr.Justice Satrugana Pujahari

Writ Petition No.4330 of 2018

M.S. Anbu Ponnambalam

...Petitioner

Vs.

1. The Principal Secretary/Transport Commissioner
Ezhilagam, Chepauk, Chennai - 600 005.
 2. The Deputy Transport Commissioner,
Salem.
 3. The Regional Transport Officer,
Dharmapuri.
 4. The Director,
Vigilance and Anti-Corruption Department,
Chennai - 600 028.
- ...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondents 1 to 3 to permit the petitioner retire from service and sanction and disburse all the retiral benefits with all monetary benefits emoluments within a stipulated time based on the representation of the petitioner dated 16.12.2017 forthwith.

For Petitioner : Mr.C.Prabhakaran

For Respondents : Mr.V.Kathirvelu
Special Government Pleader

O R D E R

Heard Mr.C.Prabhakaran, the learned counsel appearing for the petitioner and Mr.V.Kathirvelu, the learned Special Government Pleader appearing on behalf of the respondents.

2. The grievance of the petitioner, in this Writ Petition is that, while he was in service, he was placed under suspension for allegedly indicted in a case of bribery. Later, the criminal proceedings was dropped. So also, the disciplinary proceeding. In the meanwhile, the order of suspension issued against him has been revoked vide order, dated 10.04.2017. However, no order

has been passed superannuating him from service from the date, on which, he attained the age of superannuation and also the retiral and other benefits have not been released in his favour. In this regard, though he has made a representation to the second respondent on 16.12.2017, with a copy marked to first and second respondents and others, no action has been taken in this regard. Hence, the Writ Petition seeking a writ of mandamus directing the respondents to allow the petitioner to retire from service and receive the retiral benefits. However, during the course of hearing the arguments, the learned counsel for the petitioner seeks a direction to the respondents to dispose of the representation made in this regard within the stipulated period.

3. Considering the limited scope of the prayer made by the petitioner, no useful purpose would be served by keeping this Writ Petition pending awaiting a counter/reply affidavit from the respondents, inasmuch as, the aforesaid relief can be granted in the absence of the counter affidavit, which is in no way prejudicial to the respondents. Therefore, after hearing the learned counsel appearing for the parties and perusing the materials on record, this Court disposes of this Writ Petition with a direction to the respondents 1 to 3 to take such effective steps, as they are required to take under law on the representation made by the petitioner, dated 16.12.2017, within a period of six weeks from the receipt of this order, and if there is no other legal impediments for disposal of the same and communicate the decision taken to the petitioner. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

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To

1. The Principal Secretary/Transport Commissioner
Ezhilagam, Chepauk, Chennai - 600 005.
2. The Deputy Transport Commissioner, Salem.
3. The Regional Transport Officer,
Dharmapuri.

4. The Director,Vigilance and Anti-Corruption Department,
Chennai - 600 028.

+1cc to Mr.C.Prabakaran, Advocate Sr.47331

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srg 13/08/2018



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