

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2018

CORAM

THE HON'BLE Mr. JUSTICE M.DHANDAPANI

W.P.No.21039 of 2007

P.Ramasamy

... Petitioner

Vs

1.The Commissioner of Municipal
Administration,
Chepauk, Chennai-5.

2.The Commissioner,
Tiruppur Municipality,
Tiruppur, Coimbatore District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of The Constitution of India praying to issue a writ or order or direction, particularly in the nature of writ of Certiorarified Mandamus, to call for the records of the order passed by the first respondent in R.O.C.No.25832/2007/C4-2 dated 08.06.2007 and quash the same and to direct the respondent to reinstate the petitioner into service.

For Petitioner: Mr.R.N.Amarnath
For Respondents: Mr.K.Ravikumar

Additional Government Pleader for R1
Mr.G.Sankaran for R2

O R D E R

The petitioner has come up with the present writ petition challenging the order passed by the 1st respondent dated 08.06.2007, in and by which, the prayer of the petitioner seeking for a direction to quash the same and with a further direction to the respondent to revoke the suspension of the petitioner and reinstate him into the service.

2 The petitioner was appointed as Work Inspector in the Municipal Services in the year 1985 and subsequently, promoted as Junior Engineer. While he was working as Junior Engineer with the 2nd respondent municipality, the petitioner was placed under suspension by the 1st respondent due to arising of some discrepancy in audit objection with regard to excess payment made to the contractor by the petitioner. Aggrieved by the said order of suspension, the petitioner has come forward to file this writ petition.

3 The learned counsel for the petitioner would submit that due to some clerical error and arithmetical calculations by the assistant, the excess amount have been paid for the contract works. Though, it has been recovered from the accounts of the contractors which would be evident from the General Journal Voucher record maintained by the Municipality and prays for interference.

4 The learned Additional Government Pleader appearing for the 1st respondent submits that the petitioner while working with the 2nd respondent municipality were found with certain irregularities in the accounts maintained by the petitioner and hence, the petitioner was placed under suspension and prays for dismissal of this writ petition.

5 A perusal of the materials would disclose that the writ petition is filed in the year 2007 and at the time of admission this Court by its order dated 22.06.2007 granted an interim order and the same was made absolute on 04.11.2017. Now nearly 11 years had lapsed and after a lapse of such long years, this Court is of the view that nothing survives for adjudication in the writ petition. The petitioner as well as the respondent are at liberty to proceed with the disciplinary proceedings in accordance with law.

6 The writ petition stands disposed of with the above observation. No costs.

Sd/-
Assistant Registrar(Audit)

//True Copy//

Sub Assistant Registrar

To

1.The Commissioner of Municipal
Administration,
Chepauk, Chennai-5.

2.The Commissioner,
Tiruppur Municipality,
Tiruppur, Coimbatore District.

+1cc to Mr.R.N.Amarnath, Advocate, S.R.No.47000

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GSP(04/09/2018)



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