

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2018

CORAM:

THE HONOURABLE MR. JUSTICE SATRUGHANA PUJAHARI

W.P.No.1382 of 2018

A.Kannabiran

..Petitioner

Vs

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

2.The Director,
Local Fund Audit Department,
Nandanam,
Chennai-35.

3.The Commissioner,
Rasipuram Municipality,
Rasipuram Taluk,
Namakkal District.

..Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondents to regularize the petitioner's service with effect from the date of removal dated 05.08.2015 and to settle the petitioner's salary for the dismissal period, and retirement benefits such as Leave Salary, G.P.F., DCRG and Pension in pursuance of the proceedings of the first respondent dated 23.08.2017 vide proceedings No.N.K.12673/2017/K3, and also in the proceedings of the third respondent vide proceedings No.N.K.968/09/C1 dated 30.08.2017 respectively.

For Petitioner : Mr.S.Vijayakumar

For Respondents: Mr.V.Kadhirvelu, Spl.G.P.

ORDER

This writ petition has been filed by the petitioner challenging the inaction of the respondent/employer in not regularising his service and releasing him necessary pension and other benefits though his order of removal, pursuant to his conviction in a criminal case has been set aside after his

acquittal in the said case and he has been allowed to superannuate from service on the date of his superannuation, in spite of representation made, with a prayer to issue a writ of mandamus to the respondents to sanction and release his retiral benefits.

2. The learned counsel for the petitioner has submitted that though the petitioner was removed from service owing to conviction in a criminal case but in the meanwhile, he having been acquitted by the appellate Court, such order of removal from service was set aside and he was reinstated in service and allowed to superannuate, on the date of his superannuation i.e., on 30.06.2017, vide proceedings in No.N.K.968/09/C1 dated 30.08.2017 of the third respondent, but his service has not been regularised and he has not been granted pension and other retiral benefits such as Leave Salary, G.P.F., DCRG and Pension, to which, he is entitled to, in spite of a representation dated 12.08.2017. Hence, it is submitted that the respondent be directed to consider his case for release of pension and other retiral benefits by regularising his service within a stipulated time.

3. Considering such limited prayer made, this Court is of the view that no useful purpose is going to be solved by issuing notice and seeking counter affidavit from the respondents.

4. Accordingly, the writ petition is disposed of, with a direction to the respondents to consider such grievance made in the representation dated 12.08.2017 of the petitioner regarding the release of Pension and other consequential benefits in accordance with law within a period of two months from the date of receipt of a copy of this order. Needless to say that if the petitioner is required to furnish any proof/document in this regard, he may be asked to furnish the same for the said purpose. However, it is made clear that this order should not be considered as expression of any opinion on merit of the representation of the petitioner to release him the retiral benefits as stated above. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

dn

<https://hcservices.ecourts.gov.in/hcservices/>

To

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

2.The Director,
Local Fund Audit Department,
Nandanam, Chennai-35.

+ 1 cc to Mr.Vijayakumar, Advocate Sr.28736

+ 1 cc to Government Pleader Sr.29195

W.P.No.1382 of 2018

(CO-dr)
EU (07/05/2018)



WEB COPY