



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 27.06.2018
CORAM
THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

WEB COPY

W.P.(MD)No.13619 of 2018

S.Balakrishnan

: Petitioner

Vs.

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

2. The Principal Secretary to Government,
Municipal Administration and Water Supply Department,
Fort St. George,
Chennai - 9.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the second respondent to dispose of the appeal of the petitioner dated 18.05.2016, according to law expeditiously.

For Petitioner : Mr.C.Godwin
For Respondents : Mr.D.Muruganantham,
Additional Government Pleader

O R D E R

The prayer sought for in this writ petition is for a Writ of Mandamus, directing the second respondent to dispose of the appeal of the petitioner dated 18.05.2016, according to law expeditiously.

2.Heard Mr.C.Godwin, learned Counsel appearing for the petitioner and Mr.D.Muruganantham, learned Additional Government Pleader appearing for the respondents.

3.The petitioner, after having served with the respondent department, retired on 31.08.2011. However, before his retirement, disciplinary proceedings was initiated against him, by issuance of charge memo dated 14.08.2011. The said disciplinary proceedings ended in a punishment, whereby, the first respondent, by order dated 31.03.2016, inflicted the punishment of cut in pension of Rs.2,000/- per month, for a period of three years, against the petitioner. As against the said order of punishment, the petitioner has preferred an appeal to the appellate authority i.e., second respondent herein, on 18.05.2016. However, the said appeal, so far, has not been disposed of. The petitioner has approached this Court with this writ petition with the aforesaid prayer.



4.The learned Counsel for the petitioner would submit that, if the said appeal dated 18.05.2016, pending before the second respondent, is directed to be considered and an order to that effect disposing the said appeal is directed to be passed within a time frame, the petitioner would be satisfied.

WEB COPY

5.I have heard the learned Additional Government Pleader appearing for the respondents, who, on instructions from the respondents, would submit that, the appeal filed by the petitioner is pending with the second respondent on file, in Letter No.1162/ME/1/2016. The said appeal would be considered on merits and in accordance with law and would be decided and an order to that effect would be passed within a time frame that may be fixed by this Court.

6.Considering the said submissions and also taking into account the innocuous nature of the prayer, this Court is inclined to pass the following order:

"The second respondent is directed to decide the appeal dated 18.05.2016, filed by the petitioner, against the order of punishment awarded by the first respondent by his proceedings dated 31.03.2016, on merits and in accordance with law and pass orders thereon, disposing the said appeal within a period of twelve weeks from the date of receipt of a copy of this order."

7.The Writ Petition stands disposed of, with the above direction. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar(CS-I)

To

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

2.The Principal Secretary to Government,
Municipal Administration and Water Supply Department,
Fort St. George, Chennai - 9.

+1cc to Mr.C.GODWIN, Advocate, Sr.No.70495.

+1cc to Special Government Pleader, Sr.No.70224.

ORDER MADE IN

W.P.(MD)No.13619 of 2018

27.06.2018