



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.08.2018

CORAM:

THE HONOURABLE Mr.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.17902 of 2018

C.Chelladurai

... Petitioner

Vs.

1.The Accountant General (A & E), Dept.,
361, Annasalai,
Teynampet,
Chennai 600 018.

2.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

3.The Commissioner of Police,
Tirunelveli District,
Tirunelveli.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 3rd respondent to disburse the fifth pay commission arrears based on the petitioner's representation dated 15.11.2007 and 05.10.2012 as well as the 3rd respondent's proceedings dated 28.08.2009 and 01.03.2011 within the time that may be stipulated by this Court.

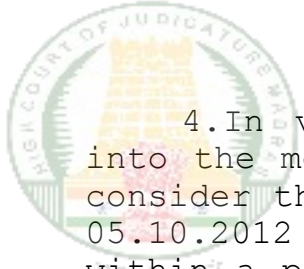
For Petitioner : Mr.G.Thalaimutharasu
For Respondents : Mr.P.Gunasekaran for R1
Mr.K.M.U.Muthu, AGP for R2 and R3

O R D E R

The petitioner has come forward with the present Writ petition to issue a Writ of Mandamus, directing the 3rd respondent to disburse the fifth pay commission arrears based on the petitioner's representations dated 15.11.2007 and 05.10.2012 as well as the 3rd respondent's proceedings dated 28.08.2009 and 01.03.2011 within a time frame.

2.Mr.P.Gunasekaran, learned counsel takes notice for R1 and Mr.K.M.U.Muthu, Additional Government Pleader takes notice for R2 and R3. By consent, this Writ petition itself is taken up for final disposal at the admission stage.

3.The learned counsel for the petitioner submitted that it would suffice if the representations of the petitioner are disposed of, in accordance with law, within a time frame to be fixed by this Court.



4. In view of the limited scope of the prayer, without going into the merits of the matter, the third respondent is directed to consider the representations of the petitioner, dated 15.11.2007 and 05.10.2012 and pass appropriate orders in accordance with law, within a period of 12 weeks from the date of receipt of a copy of this order, if there are no legal impediments.

5. This Court has also made it very clear that the third respondent is empowered to reject the request of the petitioner on the ground of laches and if any order has already been passed, based on the representations of the petitioner mentioned supra and the same has been communicated to the petitioner already, no fresh orders need be passed and the petitioner is not entitled to challenge such order as there is no mention in this affidavit in this regard.

6. With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar (CS-II)

To

1. The Accountant General (A & E), Dept.,
361, Annasalai,
Teynampet,
Chennai 600 018.

2. The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

3. The Commissioner of Police,
Tirunelveli District,
Tirunelveli.

+1cc to Mr. G. Thalaimutharasu, Advocate, SR.No. 78476
+1cc to Mr. P. Gunasekaran, Advocate, SR.No. 78766
+1cc to M/s. Special Government Pleader, SR.No. 78798

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