



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.02.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13328 of 2017

K.N.Damodharan

... Petitioner

Vs.

1. The Commissioner of Municipal
Administration
Chepauk, Chennai - 600 009.

2. The Commissioner,
Madurai Municipal Corporation,
Madurai.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to disburse all the retirement benefits to the petitioner including full pension and gratuity with interest at the rate of 18% per annum on the arrears within a time frame fixed by this Court.

For Petitioner : Mr.B.Saravanan

For Respondents : Mr.M.Jeyakumar, AGP for R1
Mr.J.Gunaseelan Muthiah,
standing counsel for R2

ORDER

The petitioner was employed in the second respondent Corporation. He reached the age of superannuation on 31.12.2009. He was allowed to retire without prejudice to the pendency of the disciplinary action against him made vide charge memo dated 29.08.2009 issued by the first respondent herein. The petitioner filed W.P.(MD) No.11020 of 2009 questioning the said charge memo and this Court by order dated 17.10.2004 quashed the charge memo insofar as the petitioner was concerned and allowed his writ petition.

2.It is submitted by the learned counsel for the petitioner that this order dated 17.10.2014 has become final and that it has not been questioned in appeal. Therefore, there is no justification in not disbursing the retirement benefits payable to



the petitioner. No justifiable reason has been projected on the side of the respondent even as of now.

3. Therefore, this Court directs the respondents to disburse all the retirement benefits payable to the writ petitioner including his pending and gratuity within a period of 10 weeks from today. It is made clear that this Court is not inclined to grant the relief of interest on the benefits payable to the writ petitioner.

4. The writ petition is allowed as indicated above. No costs.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner of Municipal
Administration
Chepauk, Chennai - 600 009.

2. The Commissioner,
Madurai Municipal Corporation,
Madurai.

+ 1 cc TO Mr.J.Gunaseelan Muthiah , Advocate in SR No. 46739
+ 1 cc TO Mr.B.Saravanan , Advocate in SR No. 46642
+ 1 cc TO The Special Government Pleader in SR No. 46858

Arul

AE/SV MMS/SAR3/16.02.2018/2P/6C

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