

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2019

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

Writ Petition No.14562 of 2019

S.Yengiah

...Petitioner

Vs

1.The Commissioner,
Greater Chennai Corporation,
Ripon Building, Chennai - 600 003.

2.The Zonal Officer,
Zone 8, TVK Park,
Greater Chennai Corporation,
Shenoy Nagar, Chennai - 600 030.

3.The Secretary to Government,
Municipal Administration,
Water Supply Department,
Fort St George,
Chennai - 600 009

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to consider petitioner representation dated 08.02.2019.

For Petitioner : M/s.N.Beulah John Selvaraj

For Respondent : Mr.J.Ramesh
Additional Government Pleader
for R3

Mr.G.Anantharanganathan for
R1 & R2

O R D E R

The writ petitioner was appointed as a Temporary Sweeper in the year 1971, his services were regularized on 17.06.1978 and he retired from service on 30.06.2015. After retirement, on 20.04.2016, show-cause notice was issued to him, calling upon him to give explanation for unauthorized absence in the years 2009 and 2011. Prima facie, the show-

cause notice is illegal and cannot stand scrutiny. If a public servant, after retirement is to be issued with a show-cause notice, it can be done within four years from the retirement, and there is a financial loss occurred owing to his actions.

2. In the present case, it was only for unauthorized absence in the year 2009 and 2011. However, after going through the entire enquiry process, finally the Government issued G.O. dated 14.09.2018, to set aside the order of dismissal from service. Thereafter, the petitioner had given a representation on 08.02.2019 asking for the retirement benefits to be paid to him. The respondents have not passed any orders on the same.

3. The first respondent, The Commissioner, Greater Chennai Corporation, is directed to pass orders on the representation on or before 30.06.2019.

4. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (VO)

//True Copy//

Sub Assistant Registrar

pns/ssb

To

1. The Commissioner,
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Fort St George,
Chennai - 600 009

+1 cc to Government Pleader, Sr.No.44126

+1 cc to Mr.N.Beulah John Selvaraj, Advocate, Sr.No.44062

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kk(CO)

MP(24/05/2019)