

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.11.2019

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No. 15973 of 2019

G.Venkatesan

... Petitioner

Vs

- 1.The Principal Secretary,
Municipal Administration & Water Supply Dept.,
Fort. ST.George, Chennai.
2. The Commissioner of Municipal Administration,
Nagar Nirvaga Office Comple, Raja Annamalaipuram,
75, Santhome High Road, MRC Nagar,
Chennai.
3. The Commissioner,
Panruti Municipality,
Panruti, Cuddalore District.
4. The Commissioner,
Mayiladuthurai Municipality,
Mayiladuthurai, Nagapattinam District.
5. The Commissioner,
Paramakudi Municipality,
Paramakudi, Ramanathapuram District.
6. The Regional Joint Director,
Local Fund Audit Department, Chengalpet Region,
Maraimalai Nagar Municipal Office Complex,
Maraimalai Nagar - 603209.
7. The Regional Joint Director,
Local Fund Audit Department,
Water Tank Complex, Dindigul Road,
Trichy-620001, Trichy District.
8. The Regional Joint Director,
Local Fund Audit Department,
Baskar Complex, 2nd Floor, Besant Road,
Chokkikulam, Madurai -1.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 5 to consider the representation dated 03.05.2019 made by the petitioner to take necessary steps to clear the audit objections with the respondents nos 6 to 8 and pass orders within a stipulated time.

For Petitioner : M/s Sundaravadanam.T

For Respondents : Mrs. M. Lalitha, GA - R1,2,6,7 &8
Mr. J.Pothiraj, Spl.G.P - R3
M/s. M. Purushothaman - R5

O R D E R

Writ Petition is filed for issuance of a Writ of Mandamus to direct the respondents 1 to 5 to consider the representation dated 03.05.2019 made by the petitioner to take necessary steps to clear the audit objections with the respondents nos 6 to 8 and pass orders within a stipulated time.

2. Heard both sides and perused the records. By consent, the writ petition is taken up for final disposal.

3. The case of the petitioners is that the petitioner joined as Junior Assistant on 23.08.1973 in the Municipal Administration and Water Supply Department. Subsequently he was promoted in the as Superintendent on 22.05.1989 and retired on superannuation on 31.01.2009. In the mean time, on 27.01.2009, a charge memo was issued to the petitioner framed by the 2nd respondent for alleged loss of revenue pointed out in the special audit paras and failed to take proper action to rectify the irregularities pointed out in special audit paras and thereby derelict in duty. For the past 10 years, no orders were passed. Thereby, the petitioner made a representation to the authorities concerned on 20.02.2019 and 03.05.2019. Sine the same was not considered, the petitioner has filed the present writ petition.

4. Mr. M.Purushothaman, learned counsel for the 5th respondent submitted that the writ petitioner served the 5th respondent municipality from 21.05.2002 to 10.09.2002 and 18.11.002 to 13.12.2002. During that period the following 56 audit objections were raised against the writ petitioner.

(i). Revenue Capital Fund - 43 objections, (ii). Water fund - 12 objections, (iii) Education account - 1 objection.

5. The learned counsel further submitted that from the above said audit objections till 23.07.2019, 46 audit objections were cleared. Which are as follows;

(i). Revenue Capital Fund - 34 Objections, (ii) Water Fund - 11 Objections and (iii). Education account - 1 objection.

Therefore as on there are only 10 audit objections are pending against the petitioner.

6. Learned counsel appearing for the petitioner further submitted that it would suffice, if this Court issues direction to the 1st & 2nd respondents to consider and pass orders on the representation submitted by the petitioner dated 03.05.2019.

7. Considering the facts and circumstances of the case, this Court hereby directs the 1st & 2nd respondents to consider the petitioner's representation dated 03.05.2019 and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. The 5th respondent is directed to take appropriate decision and pass orders thereafter.

8. The writ petition is accordingly disposed of. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

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Baskar Complex, 2nd Floor, Besant Road,
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+1cc to the Government Pleader Sr.94602
+1cc to Mr.T.Sundaravadanam, Advocate Sr.94355
+1cc to J.Pothiraj, Advocate Sr.94041

W.P.No.15973 of 2019

srg 05/12/2019

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