

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :27.09.2019
CORAM
THE HON'BLE MR.JUSTICE M.DHANDAPANI
W.P.No.17456 of 2019

M.Veerappan

.. Petitioner

Vs..

1.The State of Tamilnadu,
Rep.by its Principal Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Fort St.George,
Chennai - 600 009.

2.The Director of Town Panchayats,
Kuralagam,
Chennai - 600 104.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to pass orders on the appeal petition submitted by the petitioner dated 18.06.2018 filed against the order passed by the 2nd respondent in Na.Ka.No.1686/2011/A4 dated 30.05.2018, within a time frame to be fixed by this Hon'ble Court.

For Petitioner : Mr.G.Sankaran
For Respondents : Mr.R.S.Selvam,
Government Advocate

O R D E R

The case of the petitioner is that he was initially appointed as Junior Assistant and on 06.08.1975, promoted as Assistant and as Grade I Executive Officer in the year 2005. Thereafter, the petitioner retired from service in the year 2011. At the time of retirement, the petitioner was issued with a charge memo dated 25.01.2011 and another order was passed not allowing him to retire from service dated 28.01.2011, which culminated into the orders passed this Court in W.P.No.6341 of 2011 on 02.01.2017, wherein this Court by referring to the fact, the petitioner was directed to submit fresh representation for all the retirement benefits by enclosing relevant materials in support of the contention of settlement of shop of audit paras and duly submitted by the petitioner on 13.02.2017.

2. After filing of contempt petition, the second respondent issued order dated 02.11.2017 dropping the charges against the petitioner vide proceedings dated 02.11.2017. consequently, another proceedings dated 02.11.2017 imposing punishment of recovery of Rs.1,000/- for a period of 12 months from the pensionary benefits of petitioner, for which he was called upon to give his consent/objection, duly submitted as early as on 15.11.2017, culminated into passing final orders in W.P.No.7314 of 2018 directing the second respondent to consider the explanation/objection submitted by the petitioner and to take decision and to pass final orders within a period of 12 weeks.

3. Based on this Court's order, the petitioner was allowed to retire from service without prejudice to the disciplinary proceedings pending against him and subsequently, the enquiry was conducted and an order was passed imposing punishment of recovery for a period of 12 months. As against the said order, the petitioner made an appeal before the first respondent on 18.06.2018. Till date, the appeal has not been considered. Hence, the present writ petition has been filed.

4. The learned counsel for the petitioner would further submit that it would be suffice to issue directions to the respondents to dispose of the appeal petition in accordance with law.

5. Without expressing any opinion, I am inclined to issue direction to the respondents to consider the petitioner's appeal petition dated 18.06.2018, within a period of 12 weeks from the date of receipt of a copy of this order. With the above direction, the Writ Petition is disposed of. No costs.

-s/d-

Assistant Registrar(CJ conf)

True Copy

Sub-Assistant Registrar

at

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To

1.The Principal Secretary to Government,
State of Tamilnadu,
Municipal Administration and Water Supply Department,
Secretariat, Fort St.George,
Chennai - 600 009.

2.The Director of Town Panchayats,
Kuralagam,
Chennai - 600 104.

+1 cc to Mr.G.Sankaran Advocate sr83407

+1 cc to Government Pleader High court sr83640

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