

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2019

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.17567 of 2018

N.Ganesan

... Petitioner

Vs

1.The Secretary to the Government,
Municipal Administration & Water Supply Development,
Government of Tamil Nadu,
Secretariat, Chennai-600 009.

2.The Commissioner,
Pernambut Municipality,
Pernambut,
Vellore District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the second respondent to consider the petitioner's representation dated 22.03.2017 and pay the necessary payments/benefits with delayed interest for the period 10.04.1984 to 05.08.2002 along with revised pay scale under the 7th Pay Commission within a time frame fixed.

For Petitioner : Mr.G.Krishnakumar

For Respondents : Mr.A.N.Thambidurai,
Special Government Pleader for R1
Mr.M.Elumalai for R2

ORDER

The case of the petitioner is that he joined as a Typist in the office of the second respondent in the year 1971 and retired as Junior Assistant on 30.06.2006. When the petitioner was in service, he was forced to resign and the petitioner was relieved from the post of Typist in the year 1984. Challenging the relieving order, the petitioner approached the Tamil Nadu Administrative Tribunal in T.A.No.458 of 1992 and the same was allowed and thereafter, the petitioner was reinstated into service on 05.08.2002, but without any back wages. Challenging

the denial of back wages, the petitioner filed a writ petition before this Court in W.P.No.31951 of 2002 and the same was allowed on 20.09.2007. Thereafter, the petitioner was granted the back wages, but he was not paid certain payments under various heads that he is entitled to, according to the petitioner. The representations submitted by the petitioner to the second respondent in this regard went in vain. Hence this writ petition.

2.The learned counsel for the petitioner has submitted that against the order passed by this Court in W.P.No.31951 of 2002, the authorities approached the Hon'ble Supreme Court and filed a petition for Special Leave to Appeal (Civil)No.36823 of 2009 along with an application for condoning the delay and the delay condonation petition was dismissed by the Hon'ble Supreme Court on the ground that it is inordinate.

3.Mr.A.N.Thambidurai, learned Special Govt.Pleader, takes notice for the first respondent and Mr.M.Elumalai, learned counsel, takes notice for the second respondent.

4.Considering the facts and circumstances of the case, the second respondent is directed to consider the representation dated 22.03.2017 made by the petitioner on merits and in accordance with law and pass appropriate orders, after affording an opportunity to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar(CS V)

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सत्यमेव जयते

Sub Assistant Registrar

To

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1.The Secretary to Government,
Government of Tamil Nadu,
Municipal Administration & Water Supply Development,
Secretariat, Chennai-600 009.

2.The Commissioner,
Pernambut Municipality,
Pernambut,
Vellore District.

+lcc to Mr.G.Krishnakumar, Advocate sr.8066
+lcc to the Government Pleader Sr.8217

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srg 26/02/2019



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