

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :27.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.28509 of 2019

D.Umapathi

..Petitioner

vs

1.The Government of Tamil Nadu
Represented by its Secretary
Municipal Administration and
Water Supply Department
Fort. St. George
Chennai-600 009.

2.The Commissioner
Commissionerate of Municipal Administration
Raja Annamalaipuram
Chennai-600 028.

3.The Municipal Commissioner
Tambaram Municipality
Tambaram.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to dispose of the appeal dated 18.05.2019 followed by additional grounds dated 05.07.2019 preferred by the petitioner challenging the order of removal from service issued by the 2nd respondent dated 16.04.2019 within the stipulated time.

For Petitioner : Mr.K.Raja

For Respondents : Ms.M.Lalitha

Government Advocate

O R D E R

Writ Petition is filed for issuance of a Writ of Mandamus directing the 1st respondent to dispose of the appeal dated 18.05.2019 followed by additional grounds dated 05.07.2019

preferred by the petitioner challenging the order of removal from service issued by the 2nd respondent dated 16.04.2019 within the stipulated time.

2. Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate appearing for the respondents. By consent, the writ petition is taken up for final disposal.

3. The case of the petitioner is that he joined duty as Computer-cum-Clerk on 01.02.1989 in Avadi Municipality. Thereafter, the petitioner was transferred to Tambaram Municipality. Since the petitioner was not well, he availed leave from 16.05.1994 to 15.06.1994 for a period of one month. From 16.05.1994 to 16.04.1995, the petitioner sought for leave on loss of pay. While being so, on 14.12.1994, the 3rd respondent issued a charge memo under Rule 8(1) of Tamil Nadu Municipal Services (Discipline and Appeal) Rules 1970. In the meanwhile, the petitioner sought for permission to join duty with effect from 17.04.1995 vide letters dated 24.03.1995, 10.04.1995, 27.06.1995, 26.10.1995 and finally on 16.10.1998 respectively. But the respondents did not allow the petitioner to join duty. The petitioner was called for submitting his explanation vide letter dated 22.11.1995. After eight years, the Joint Commissioner of Municipal Administration cancelled the charge memo dated 14.12.1994 and directed the 3rd respondent to issue a charge memo vide order dated 15.03.2002. Based on the same, the 3rd respondent issued a fresh charge memo dated 15.03.2012. In between, the petitioner attained superannuation on 31.12.2011. Finally, the petitioner was dismissed from service by the 2nd respondent vide his proceedings dated 16.04.2019. Challenging the same, the petitioner has preferred an appeal on 18.05.2019 before the 1st respondent. However, the said appeal was not disposed of by the 1st respondent till date. Hence, this writ petition.

4. Learned counsel appearing for the petitioner submitted that it would suffice, if this Court issues direction to the 1st respondent to dispose of the petitioner's appeal dated 18.05.2019 on merits within the reasonable time.

5. Considering the limited request made by the learned counsel appearing for the petitioner, this Court hereby directs the 1st respondent to consider and dispose of the petitioner's appeal dated 18.05.2019 on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6. The writ petition is disposed of on the above terms. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1.The Secretary,
Government of Tamil Nadu
Municipal Administration and
Water Supply Department
Fort. St. George
Chennai-600 009.

2.The Commissioner
Commissionerate of Municipal Administration
Raja Annamalaipuram
Chennai-600 028.

3.The Municipal Commissioner
Tambaram Municipality
Tambaram.

+lcc to the Government Pleader Sr.83630
+lcc to M/s.K.Raja, Advocate Sr.83119

सत्यमेव जयते

W.P.No.28509 of 2019

sj[col
srg 08/11/2019

WEB COPY