

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2019

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.32229 of 2019

1 S.PRABAVATHY ... Petitioner

Vs

1 The Commissioner
Virudhachalam Municipality,
Virudhachalam Taluk ,
Cuddalore District. ... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Declaration, declaring that the prolonged suspension of the petitioner with effect from 16.09.1989 without any review as illegal and consequently direct the respondent to settle the petitioners retirement benefits including the monetary and other consequential benefits to which the petitioner is entitled to in law.

For Petitioner : Mr.M.Gnanasekar

For Respondents : Mr.A.N.Thambidurai, Spl.G.P.

ORDER

- 1.The petitioner has filed this writ petition seeking issuance of a Writ of Declaration to declare that the prolonged suspension of the petitioner with effect from 16.09.1989 without any review as illegal and consequently direct the respondent to settle the petitioners retirement benefits including the monetary and other consequential benefits to which the petitioner is entitled to in law.
- 2.Heard the learned counsel appearing for the petitioner and the learned Government Special Pleader appearing for the respondents.
- 3.According to the petitioner she was appointed as Noon Meal Organiser by an order dated 29.01.1983 of the respondent and posted in the Municipal Primary School, Poothambur. By proceedings dated 16.09.1989, she was placed under suspension

on the ground of late remittance and failure to maintain the records properly and thereafter, a sum of Rs. 5,500/- was recovered from the petitioner. A case in Cr.No.457/1993 was also registered against the petitioner which came to be closed since action was dropped on 21.03.2017. Thereafter, the petitioner approached the respondent requesting to return the amount recovered from her and also to reinstate her in service. The grievance of the petitioner is that despite several representations and also the criminal case registered against her came to be closed, the respondents have neither reinstated the petitioner into service nor returned the amount recovered from her. Hence the petitioner is before this Court.

4. The learned counsel for the petitioner would submit that without going into merits of the case since the representation made by the petitioner has been pending without any progress it would suffice if this Court directs the respondents to consider and dispose of the representation made by the petitioner, in accordance with law.
5. The learned Special Government Pleader appearing for the respondent while conceding the claim of the petitioner, would submit that if any such direction is given by this Court, the same would be complied with and the representation of the petitioner would be disposed of in accordance with law.
6. Considering the facts and circumstances of the case and since the petitioner has been placed under suspension for the years together, this Court feels it appropriate to direct the petitioner to make a representation to the respondent addressing her grievance as ventilated in the present writ petition and on such representation being made by the petitioner within a period of four weeks from the date of receipt of copy of this order, the respondents are directed to consider the same and pass appropriate orders in accordance with law and on merits within a period of six week thereafter.
7. The writ petition is accordingly disposed of. No costs.

सत्यमेव जयते

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Sd/-
Assistant Registrar (CS VIII)

//True Copy//

Sub Assistant Registrar

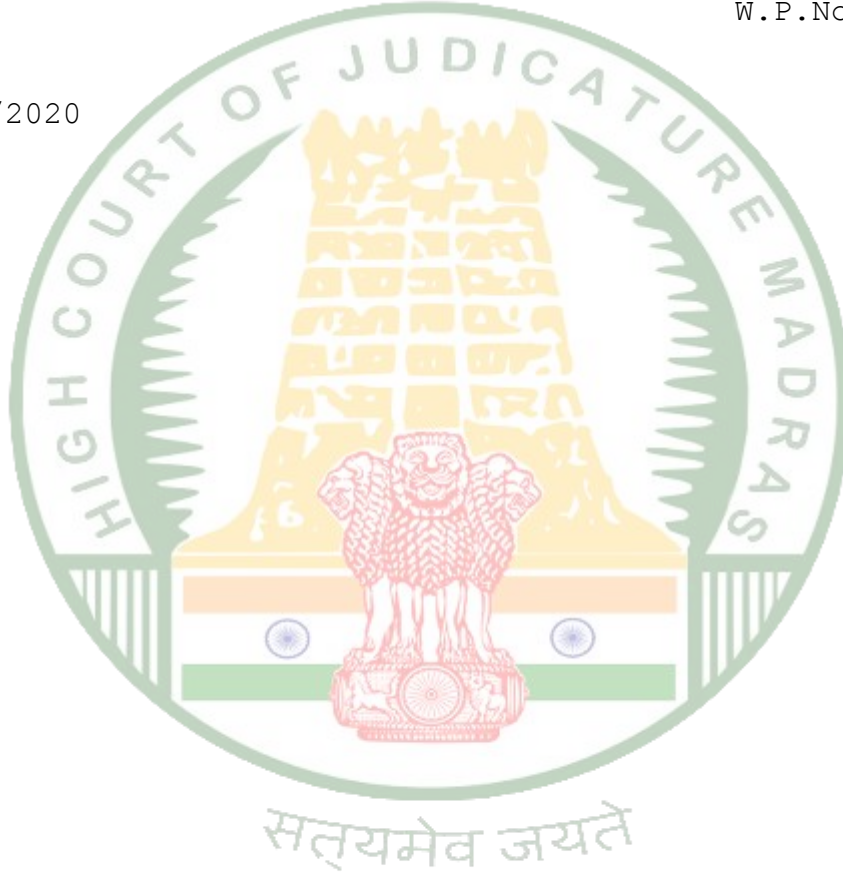
To

The Commissioner
Virudhachalam Municipality,
Virudhachalam Taluk ,
Cuddalore District.

+1cc to the Government Pleader Sr.96592

W.P.No.32229/2019

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