

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :27.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.NO.33050 OF 2019

1 E.Gnanaprakasam ... Petitioner

Vs

1 The Director of Local Fund Audit,
Amma Vazhagam, 4th Floor, Veterinary
Hospital 571 Anna Salai,
Nandanam Chennai - 600035.

2 The Director of Municipal
Administration, Raja Annamalai Puram
(R.A.Puram) Chennai 28.

3 Regional Director of Municipal
Administration, Salem 4.

4 Commissioner of Salem,
Corporation, Salem 1. Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus directing the respondents to dispose of the petitioners representation dated 22.10.2019 to grant full pension and other retirements benefits to which I am legally entitled thereto and thus do the needful at the earliest.

For Petitioner : Mr.R.Karthikeyan

For Respondents : Mr.A.N.Thambidurai, Spl.GP

ORDER

1.This Writ Petition has been filed by the writ petitioner praying for the issuance of a Writ of Mandamus, to direct the respondents to dispose of the petitioners representation dated 22.10.2019 to grant full pension and other retirements benefits to which the petitioner is legally entitled to.

2.The case of the petitioner is that he was appointed as Water Works Overseer on 03.12.1977 and thereafter he was promoted as Junior Engineer in Kumarapalayam Municipality under Salem City Corporation and on 11.06.2010. He retired on 30.06.2010 on attaining the age of superannuation. Just two days prior to his retirements, the petitioner was issued with a charge memo alleging certain irregularities found in audit inspection. Challenging the same the petitioner has filed a Writ Petition in 25285/2012 before this Court, which came to be disposed of vide order dated 28.06.2010, directing the first respondent therein to proceed with the disciplinary proceedings and complete the same within a period of four months. The grievance of the petitioner is that despite the time stipulated by this Court till 2018 the disciplinary proceedings have not been completed which prompted the petitioner to move another writ petition in WP.No.29326/2018 praying to quash the charge memo dated 28.06.2010 which came to be disposed of by this Court vide its order dated 30.11.2018, taking note of the submissions made on behalf of the respondents and the enquiry was completed and Enquiry Officer has also submitted a report, directed the respondents to communicate a copy of the enquiry report to the petitioner and to proceed further after obtaining the petitioner's explanation. Pursuant the same, it appears that the petitioner was furnished with a copy of the report vide communication letter dated 04.12.2018 and the petitioner also submitted his explanation. Thereafter vide proceedings dated 11.12.2018 the petitioner was exonerated from all the charges and a communication was sent by the Inspector, Local fund Audit to the Joint Auditor, Local fund audit assured the same. After clearance of the disciplinary proceedings which ended in exonerating the petitioner, the petitioner approached the respondents on several occasions in person and by way of representations seeking settlement of his retirement benefits and grant of pension. But there was no response. He made a representation on 22.10.2019 to the second respondent while marking the copies of the same to the respondents 1,3 & 4 requesting for settlement of the retirement benefits and grant of pension and since there is no action is forthcoming, the petitioner is before this Court.

3.The learned counsel appearing for the petitioner would submit that the petitioner has been exonerated all of the charges leveled against him and there is absolutely no impediment by the respondents to settle the retirement benefits and grant of pension and therefore, it would suffice if this Court directs the respondents and to consider and dispose of the representation made by the petitioner in accordance with law.

4.The learned Special Government Pleader appearing for the respondents 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.

5.Considering the facts and circumstances of the case and the submissions made on either side, without going into the merits of the case, the respondents are directed to consider and dispose of the representation dated 22.10.2019 made by the petitioner in accordance with law and on merits, within a period of 12 weeks from the date of receipt of a copy of this order.

6.With the above observation, this Writ Petition is disposed of.
No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

jrs

To

1 The Director of Local Fund Audit,
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(R.A.Puram) Chennai 28.

3 Regional Director of Municipal
Administration, Salem 4.

4 Commissioner of Salem,
Corporation, Salem 1.

+2cc to Mr.R.Karthikeyan, Advocate, S.R.No.98687

+1cc to the Government Pleader, S.R.No.99415

W.P.No.33050 of 2019

AK(CO)
CS/21/01/2020