



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 13.03.2019

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P (MD) No. 4223 of 2019

M. Senthil Arumugam

..Petitioner

Vs

1. The Commissioner,
Tirunelveli Corporation,
Tirunelveli.

2. The Assistant Commissioner,
Tirunelveli Corporation,
Melapalayam,
Tirunelveli District.

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records of the impugned order vide Na.Ka.No.C1/8043/2018, dated 23.08.2018 issued by the second respondent and to quash the same as illegal and consequently direct the respondents to relieve the Petitioner under VRS by providing all the retirement benefits

For Petitioner

:Mr.D.Saravanan

For Respondents
1 and 2

:Mr.Aayiram K.Selvakumar
Addl.Govt.Pleader

ORDER

The Petitioner has come forward with this Writ Petition seeking issuance of a Writ of Certiorarified Mandamus to quash the impugned order passed by the second respondent vide Na.Ka.No.C1/8043/2018, dated 23.08.2018 and consequently direct the respondents to relieve the Petitioner under VRS by providing all the retirement benefits.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. The case of the Petitioner is that the Petitioner was originally appointed as Pump Operator on 12.8.1991 and presently working as Skilled Worker Grade-I in the respondent's office and had rendered an unblemished service for the past 27 years. The Petitioner would further submit that he had two daughters and first daughter got married on 9.11.2018 and the second daughter is studying in the college. To meet out the marriage expenses of his



first daughter, the Petitioner had applied for VRS as early as on 6.12.2017, in order to get his retirement benefits. Now, on 23.8.2018, the second respondent has issued the present notice stating that a criminal case is pending on the file of Judicial Magistrate No.I, Tirunelveli for the offences punishable under Section 341, 294(b) and 506(ii)IPC. However, the Police, after investigation, closed the case as ''mistake of fact''. But the second respondent passed the order impugned herein stating that without obtaining the order from the Court concerned regarding the closure of his case as ''mistake of fact'', there is no possibility for grant of ''No Objection Certificate'' permitting the Petitioner to go on VRS. Hence, the Petitioner has come forward with this Writ Petition for the relief stated supra.

4. When the matter is taken up for hearing today, the learned counsel for the Petitioner agreed to produce the copy of the order passed by the Judicial Magistrate Court No.I, Tirunelveli to the respondent concerned.

5. Recording the said submission made by the learned counsel for the Petitioner, this Court directs the Petitioner to produce the copy of the order of the Judicial Magistrate No.I, Tirunelveli, in the case registered against the Petitioner, within a period of two weeks from the date of receipt of a copy of this order. On such production, the respondents shall consider the same and pass appropriate orders, on the Petitioner's application for VRS, on merits and in accordance with law. Such an exercise shall be carried out within a period of four weeks thereafter.

6. With the above directions, the Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar()

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner,
Tirunelveli Corporation, Tirunelveli.

2. The Assistant Commissioner,
Tirunelveli Corporation, Melapalayam,
Tirunelveli District.

+1cc to Mr.K.Selvakumar, Advocate in SR.No.54120
+1cc to Mr.D.Saravanan, Advocate in SR.No.53757