

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 18.02.2020

CORAM

THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH
WP.No.3919 of 2020

M.Dhanapal

.. Petitioner

- Vs -

1. The Commissioner of Municipal Administration,
Chepauk,
Chennai-600 005.

2. The Commissioner i/c,
Maduranthagam Municipality,
GST Road, Maduranthakam,
Pin-603 306,
Kancheepuram District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, to direct the respondents to treat the period of suspension from 29.04.2009 to 30.04.2019 as duty period.

For Petitioner : Mr.S.Ilamvaludhi

For Respondents : Mr.P.S.Sivashanmugasundaram
Special Govt. Pleader for R1
Mr.Lourdu Paul Maurya for R2

O R D E R

This writ petition has been filed for the issue of writ of Mandamus directing the respondents to treat the period of suspension from 29.04.2009 to 30.04.2019 as duty period by considering the representation made by the petitioner in this regard.

2. The case of the petitioner is that he joined the second respondent-Municipality in the year 1983 as a Fitter. A criminal case came to be registered against the petitioner and the petitioner was therefore, kept under suspension by proceedings of the second respondent dated 05.05.2009. The petitioner filed a quash petition before this Court in CrI.OP.No.29005 of 2018 and this Court, by an order dated 20.12.2018, had quashed the proceedings that was pending against the petitioner in CC.No.883 of 2012, on the file of the learned Judicial Magistrate, Alandur.

3. The further case of the petitioner is that the attention of the second respondent was drawn regarding the quashing of the criminal case. Consequently, the second respondent, by proceedings dated 11.02.2019, reinstated the petitioner into service. The second respondent, while passing the order of reinstatement, has also addressed a letter to the first respondent by his proceedings dated 21.02.2019 and had sought for a clarification to the first respondent regarding the manner in which, the period from 29.04.2009 to 10.02.2019 must be treated. The first respondent, on receipt of the letter from the second respondent, had directed the second respondent to decide this issue since the second respondent is the appointing authority of the petitioner.

4. The petitioner, by relying upon the Fundamental Rules, claims that the above said period between 29.04.2009 to 30.04.2019 must be treated as duty period of the petitioner for all purposes. Since no decision was taken by the second respondent till date, the present writ petition has been filed before this Court seeking appropriate directions to the second respondent to pass orders.

5. Heard Mr.S.Ilamvaludhi, learned counsel appearing on behalf of the petitioner, Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader appearing on behalf of the first respondent and Mr.Lourdu Paul Maurya, learned counsel appearing on behalf of the second respondent.

6. Taking into consideration the facts and circumstances of the case and the limited relief that has been sought for in this writ petition, there shall be a direction to the second respondent to immediately take a decision regarding the request made by the petitioner to treat the period between 29.04.2009 to 30.04.2019 as a duty period in accordance with the relevant Rules and pass appropriate orders within a period of four (4) weeks from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation to the second respondent along with a copy of this order.

7. This writ petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The Commissioner of Municipal Administration,
Chepauk,
Chennai-600 005.

2. The Commissioner i/c,
Maduranthagam Municipality,
GST Road, Maduranthakam,
Pin-603 306,
Kancheepuram District.

+1cc to Mr.S.Ilamvaludhi, Advocate SR.No. 13436

+1 cc to Government Pleader Sr.No. 14682

+2ccs to Mr.Lourdu Paul Maurya , Advocate SR.No. 13423

WP.No.3919 of 2020

rsv co

A.SK(28/07/2020)



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