

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 31.07.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO. 29813 OF 2013
and
W.MP.NO.17049 of 2016

N.Shanmuga Sundaram

.. Petitioner

- Vs -

1. The Commissioner of Municipal Administration,
Ezhilagam, Chepauk, Chennai 5,
2. The Regional Director of Municipal Administration,
Salem.
3. The Commissioner,
Krishnagiri Municipality,
Krishnagiri district.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus, directing third respondent to implement the order dated 22.05.2008 passed by the 1st respondent in Mu.Mu.No.18624/08/J/1 and consequently direct the respondents to pay all the attended benefits to the petitioner along with interest at 12% p.a. From 22.05.2008 till the date of payment or within a date fixed by this Court.

For Petitioner : M/S.A.R.Nixon

For Respondents: Mr.A.N.Thambidurai, Spl.G.P. For RR1 &2
:M/S.G.Palani

ORDER

The case of the petitioner is that her husband was working as Sanitary Worker, and while he was in working, his services were discontinued for service unauthorised absence on 10.09.2004, for which he was issued with a charge memo dated 23.6.2006 against which the petitioner filed an appeal, in which the charges were dropped against him on 14.08.2007. Subsequently the 1st respondent regularised his services as per the Fundamental Rules and the period of absence, i.e. 18.10.2004 to 30.06.2006 was also regularised by order dated 22.5.2008.

However the 1st respondent's order was not implemented by the 3rd respondent, which prompted the petitioner to file the present petition.

2. Learned Special Government Pleader appearing on behalf of the respondents submitted fairly conceded that a favourable order was passed by the 1st in favour of the petitioner's husband, which has not been implemented by the 3rd respondent and, therefore, this Court may direct the 3rd respondent to implement the order passed by the 1st respondent, if not implemented already.

3. In view of the aforesaid facts and circumstances, this Court directs the 3rd respondent to implement the order passed by the 1st respondent, dated 22.05.2008, within a period of three months from the date of receipt of copy of this order, if not implemented already.

4. With the above direction, this Writ Petition is disposed of. Consequently, connected miscellaneous petition is closed. In such view of the fact, there shall be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

jrs

To

1. The Commissioner of Municipal Administration,
Ezhilagam, Chepauk, Chennai 5.
2. The Regional Director of Municipal Administration,
Salem.
3. The Commissioner,
Krishnagiri Municipality, Krishnagiri district.

+1 cc to M/s.A.R.Nixon, Advocate Sr.No.25915
+1 cc to The Government Pleader, Sr.No. 25874

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VS (CO)
RMP (31/08/2020)