

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.11.2020

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.7688 of 2013

M.Ramalingam

..Petitioner

.vs.

1. The Government of Tamilnadu
Rep by its Secretary to Government
Rural Development and Panchayat Raj
Department, Fort St.George,
Chennai -9.
2. The Commissioner of Rural Development & Panchayat Raj,
Panagal Building,
Saidapet, Chennai 600 015.
3. The District Collector (Panchayat Development Section)
Nagapattinam District, Nagapattinam. .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the third respondent to regularize the period of suspension of the petitioner between 28.08.1997 and 9.11.2001 and the period of removal from service from 10.11.2001 till 31.08.2005 as duty and consequently grant all attendant benefits viz., arrears of salary, retirement benefits, arrears of pension, monthly pension etc.,

For Petitioner : Mr.V.Suthakar
For Respondents : Mr.S.Thangavel, Spl.G.P.,

ORDER

When the matter was taken up for hearing, learned Special Government Pleader appearing for the respondents filed a counter affidavit and drew the attention of this Court to paragraph No.4 therein and for better clarity, the same is extracted below:

"4) It is respectfully submitted that the period of suspension as well as the period of non duty from the date of removal from service till the date of normal date of retirement i.e., from 28.08.1997 to 31.08.2005, has since been regularized as duty as per

the proceedings of the 2nd respondent in Rc.62506/2005/VC.2-2 dated 29.11.2013. A copy of the order is herewith submitted for favour of perusal by this Hon'ble Court. It is further submitted that the retiral benefits such as Arrears of Duty Pay and Allowances, Pension etc., will be claimed and paid within a short period of about three months."

2. The above fact is not disputed by the learned counsel for the petitioner and, he too concurs with the same. In such a backdrop, the counter affidavit is taken on file and recorded.

3. In view of the above undertaking, the relief sought for in the present writ petition has become infructuous. Accordingly, this writ petition is closed directing the respondent to complete the exercise of drawal and disbursement to be completed within a period of three months from the date of receipt of copy of this order.

4. With the above direction, this Writ Petition is disposed of. In the said circumstance, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government
The Government of Tamilnadu
Rural Development and Panchayat Raj
Department, Fort St.George,
Chennai -9.
2. The Commissioner of Rural Development & Panchayat Raj,
Panagal Building, Saidapet, Chennai 600 015.
3. The District Collector (Panchyat Development Section)
Nagapattinam District, Nagapattinam.

+1cc to the Government Pleader, S.R.No.36076

W.P.No.7688/2013

rr ii (09/12/2020)