

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2020

CORAM

THE HONOURABLE THIRU JUSTICE V. PARTHIBAN

W.P.No.13973 of 2020

J.Venugopal

...Petitioner

Vs.

1. The Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Chennai - 600 009.
2. The Commissioner,
Chennai City Municipal Corporation,
Ripon Building,
Chennai - 600 003.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the 1st respondent to pass orders on the representation of the petitioner dated 09.09.2019, in the light of the Resolution passed by the 2nd respondent in Resolution No.472/2019 dated 20.08.2019, treating all audit paras pending against the petitioner were treated as settled, consequently to allow the petitioner to retire from service on attaining the age of superannuation on 30.06.2014, so as to settle his pension and DCRG amount due to the petitioner, along with interest as admissible under Rule 45-A of the Tamil Nadu Pension Rules, 1978 within a reasonable period as may be fixed by this Hon'ble Court.

For Petitioner : Mr.S.N.Ravichandran

For Respondents : Mr.Y.Parthasarathy
Government Advocate for R1
Mr.Manimegalai
Standing Counsel for R2

ORDER

The case of the petitioner is that he is working as a Superintending Engineer in the second respondent / Corporation. He was placed under suspension on 28.06.2014 on the eve of his retirement dated 30.06.2014. He approached this Court

challenging the suspension order in W.P.No.17203 of 2014. The writ petition was however dismissed on 01.07.2014, against which a writ appeal was filed in W.A.No.560 of 2015. According to the petitioner, direction was issued in the appeal to consider and pass orders on the suspension order.

2.The petitioner appears to have once again approached this Court in W.P.No.2915 of 2015 seeking direction to review the suspension order as according to him, that despite the direction in the above writ appeal, no order was passed. This Court, by an order dated 09.03.2015 directed the authority to review the suspension order within a period of three months. Since no order was passed, the petitioner claims to have filed a contempt petition in Cont.P.No.1680 of 2015. Thereafter, a charge memo was issued to the petitioner on 18.09.2015 and the same was also put to challenge in W.P.No.33811 of 2015. This Court has granted interim stay of the charge memorandum vide its order dated 26.10.2015.

3.Despite two writ petitions filed in relation to the suspension order, the petitioner once again approached this Court in W.P.No.43902 of 2016, seeking the very same direction as he sought in other two writ petitions for revocation of suspension order. Even in that writ petition, direction was issued to consider the representation of the petitioner for revocation of suspension vide order dated 21.12.2016, but according to the petitioner no order was passed. One more writ petition has been filed by the writ petitioner in W.P.No.3137 of 2019 seeking to direct the second respondent to settle audit objection and to settle his pension and terminal benefits. According to the petitioner that eventually the audit objection was settled on the basis of resolution dated 20.08.2019. Thereafter the petitioner appears to have made a representation to the first respondent on 09.09.2019 for revocation of suspension and for permitting him to retire from service on the date of attaining the age of superannuation on 30.06.2014. Since the representation has not been disposed of, the petitioner is before this Court.

4.From the above narrative, it could be seen that the petitioner has been repeatedly approaching this Court under one pretext or the other challenging suspension order, charge memo etc. On being unsuccessful in his repeated attempts when the petitioner approached this Court in the past, for every conceived cause of action, he is once again knocking the door of this Court with the very same cause of action related to the disciplinary action pending against him when the charge memo is put to challenge before this Court and that is pending, he cannot seek to retire from service. Moreover, the petitioner having come under a cloud has to clear his name from all charges

before any decision to be taken in settlement of his terminal benefits.

5. Moreover, when the writ appeal is also pending before this Court, one more litigation on the same grievance of the petitioner is a gross abuse of the process of this Court. In the opinion of this Court, this writ petition is not at all maintainable and in fact, the same has to be dismissed with exemplary cost. The petitioner has been vexatiously pursuing the same remedy repeatedly with obsessive mind set in order to wrangle some relief by trying his luck at various points of time which ought not to be entertained by this Court under any circumstances.

6. Considering the status of the petitioner, being not employed and not allowed to retire, this Court desists from imposing cost. The writ petition is, therefore, dismissed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Chennai - 600 009.
2. The Commissioner,
Chennai City Municipal Corporation,
Ripon Building,
Chennai - 600 003.

+1cc to the Government Pleader in SR.NO..33064

+1cc to Mr.S.N.Ravichandran, Advocate in SR.NO..32853

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PA(CO)
RV(09/11/2020)