



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2020

CORAM

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.14818 of 2013

A.Ramachandran

...Petitioner

Versus

1.The Principal Secretary,
Municipal Administration & Water Supply
Department,
Fort St.George,
Chennai - 600 009.

2.The Commissioner of Municipal Administration,
Chepauk,
Chennai - 5.

3.The Director,
Local Fund Audit Department,
Kuralagam, 4th Floor,
Chennai - 108.

4.The Commissioner,
Thoothukudi Municipality,
Thoothukudi District.

...Respondents

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India, seeking issuance of a Writ of Mandamus, to direct the respondents to regularise the service from the period of suspension dated 08.12.1999 to 21.05.2007 on the basis of recommendation of the 2nd respondent in Mu.M.No.47893/08/J-4, dated 06.07.2009 and to settle all the monitory benefits to the petitioner within the stipulated time fixed by this Court.

For Petitioner	:	Mr.A.P.Muthu Pandian
For R1 to R3	:	Mr.D.Muruganandam Additional Government Pleader
For R4	:	Mr.S.Saji Bino

ORDER

This Writ Petition has been filed seeking a direction to the respondents to regularise the service from the period of suspension dated 08.12.1999 to 21.05.2007 on the basis of recommendation of the 2nd respondent in Mu.M.No.47893/08/J-4, dated 06.07.2009 and to settle all the monitory benefits to the petitioner within a time frame to be fixed by this Court.



2. Heard the submissions of the learned counsel for the petitioner as well as the learned counsel appearing for the fourth respondent and the learned Additional Government Pleader appearing for the respondents 1 to 3 and perused the records.

3. It appears that the petitioner herein was suspended by the fourth respondent on 08.12.1999 as per Rule 8(7) of Tamil Nadu Municipality Public Health Work (Discipline and Appeal) Rules 1973. The allegation against the petitioner is that issuance of Birth and Death certificate without following the Rules and Regulations. The charge memo was issued against the petitioner under Rule 9(2) of Tamil Nadu Municipality Public Health Work (Discipline and Appeal) Rules 1973. The second respondent was awarded the punishment to withheld the increment with cumulative effect for three years and further directed to reinstate the petitioner and the petitioner joined the service on 22.05.2007 and he was retired on 30.04.2012 as a Sanitary Inspector under the fourth respondent and he was permitted to retire from service with effect from 30.04.2012 on attaining age of superannuation without prejudice to the pending disciplinary action.

4. The petitioner made a representation dated 31.01.2013 to the second respondent to treat the suspension period from 08.12.1999 to 21.05.2007 as duty period and regularise the service. The same is now pending with the fourth respondent.

5. After going through the affidavit and also considering the submissions of the learned counsel appearing for both side, I am inclined to grant writ of mandamus directing the fourth respondent without expressing any opinion as to the averments made in the petition and accordingly, the fourth respondent is directed to consider the petitioner's representation and to dispose of the same in accordance with law.

6. Accordingly this Writ Petition is disposed of to the extent indicated above. No Costs.

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

PJL



To

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KB(23.07.2020) 3P 4C