



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.11.2021

Coram

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.22347 of 2012

G.Pencilaiya

.... Petitioner

Vs.

1. The Zonal Officer, Zone-IX,
Corporation of Chennai,
No.583/370, Anna Salai,
Saidapet, Chennai-15.

2. The Commissioner,
Corporation of Chennai, Chennai-3.

3. The Secretary,
Department of Town Panchayat,
Administration & Water Supply,
St. George Fort, Chennai 600 009.

... Respondents

Prayer: This writ petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records from the first and second respondents pertaining to the proceedings in No.ம.அ.9.ந.க.எண்.அ4/0161/2011 dated 3.3.2011 and quash the same consequently direct the respondents 1 and 2 to consider the petitioner's service from 01.05.1972 to 30.06.2009 i.e. by including the suspension/dismissal period from 09.10.1988 to 19.07.2006 and grant all the retirement benefits to the petitioner as per the petitioner's last representation made on 09.03.2012 and pass orders.

For Petitioner : Mr.T.S.N.Prabhakaran

For Respondents: Mr.R.Gopinath (Corporation)
for R1 and R2

Mr.T.Arunkumar, Addl. Govt. Pleader
for R3

ORDER

This petition has been filed to quash the proceedings dated 3.3.2011 and consequently direct the respondents 1 and 2 to consider the petitioner's service from 01.05.1972 to 30.06.2009 i.e. by including the suspension/dismissal period from



5. Heard the rival submissions made by the counsels to both the parties and I have perused the materials on record.

6. A perusal of the impugned order shows that, no opportunity of hearing is granted to the petitioner. Without hearing the petitioner, his claim for pensionary benefit was rejected by the respondents. Therefore, the impugned order was passed by the first respondent, in violation of Natural Justice and hence, the same is liable to be quashed.

7. Accordingly, it is ordered as follows.

i) The impugned order passed by the first respondent is quashed.

2. The first and second respondents are directed to consider the petitioner's representations and pass order on its own merits, in accordance with law, after providing an opportunity to the writ petitioner, within a period of 12 weeks from the date of receipt of a copy of this order.

8. With the above directions, this writ petition is allowed. No costs.

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

mst

To

1. The Zonal Officer, Zone-IX,
Corporation of Chennai,
No.583/370, Anna Salai,
Saidapet, Chennai-15.

2. The Commissioner,
Corporation of Chennai, Chennai-3.

3. The Secretary,
Department of Town Panchayat,
Administration & Water Supply,
St. George Fort, Chennai 600 009.

+1cc to M/s.R.Gopinath Standing Counsel, S.R.No.61392

+1cc to the Government Pleader, S.R.No.62200

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AK-II(CO)

SB(04/01/2022)