

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.5510 of 2021

Gnanaprakasam

... Petitioner

-vs-

1. The Director of Municipal Administration,
Raja Annamalaipuram (R.A Puram),
Chennai - 28.

2. The Director of Local Fund Audit,
Amma Vazhagam, 4th Floor,
Veterinary Hospital,
571, Anna Salai, Nandanam,
Chennai - 600 035.

3. Regional Director of Municipal Administration,
Salem - 4.

4. Commissioner of Salem Corporation,
Salem - 1.

5. Deputy Director of Town Panchayat,
Vellore - 632 009.

6. The Municipal Commissioner,
Komarapalayam Municipality,
Namakal - 638 183.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to disburse the petitioner all retirement benefits including arrears of pension and other terminal benefits with interest at the rate of 12 % within a time frame to which he is legally entitled.

For Petitioner : Mr.R.Karthikeyan

For Respondents: Mr.V.Elango for

Mr.V.Jayaprakash Narayanan,
Special Government Pleader

O R D E R

This Writ petition is filed, seeking a direction to the respondents to disburse the petitioner all retirement benefits including arrears of pension and other terminal benefits with interest at the rate of 12 %.

2. Mr.V.Elango for Mr.V.Jayaprakash Narayanan, learned Special Government Pleader takes notice for respondents. By consent, the Writ Petition is taken up for final disposal at the admission stage.

3. According to the petitioner, he was appointed as a Water works overseer on 03.12.1977 and thereafter promoted to the post of Junior Engineer. It is stated that two days prior to retirement, he was issued with a charge memo vide Roc.No.25926/2012/F2, dated 28.06.2010 by the Director of Municipal Administration, Chennai, alleging irregularities in Audit and followed by the conditional retirement. While so, he approached this Court earlier by filing various Writ Petitions to challenge the charge memo and to dispose of the representations to settle the monetary benefits and the same has been disposed of with directions. In this Circumstance, the petitioner has come forward with the present Writ petition, seeking a direction to the respondents to disburse the petitioner all retirement benefits including arrears of pension and other terminal benefits with interest at the rate of 12 %.

4. The learned counsel for the petitioner further submitted that the petitioner has submitted a representation dated 08.02.2021 before the 5th respondent with regard to the monetary benefits due but, the same is yet to be disposed of by the respondents. Learned counsel submitted that it would suffice, if the said representation made by the petitioner is directed to be considered and disposed of by the respondents on merits.

5. Considering the facts and circumstances of the case and taking into account the fact that the petitioner's representation is already pending with the 5th respondent, the Writ Petition is disposed of with the following directions:

i) A direction is issued to the 5th respondent herein to consider the representation preferred by the petitioner dated 08.02.2021, if not already disposed of, and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner and other persons, if any, who are likely to be affected, as expeditiously as possible, preferably within a period of 60 days from the date of receipt of a copy of this order;

ii) In case the petitioner is unable to appear for personal hearing, the petitioner is entitled to send a written submission within a period of one month from the date of receipt of a copy of this order through registered post or speed post and the same shall be treated as personal hearing. It is made clear that the petitioner can avail the opportunity of either personal hearing or filing written submission and not both;

iii) In case the petitioner fails to appear or file a written submission in time, the 5th respondent shall pass orders based on the available records and the petitioner, cannot at a later point of time take a stand that opportunity of being heard is not given to the petitioner;

iv) The petitioner shall furnish Mobile Number, email ID, if any, etc., along with a copy of the representation dated 08.02.2021 and this order, to the 5th respondent forthwith;

v) The 5th respondent is directed to communicate the decision taken on the representation, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the petitioner to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the petitioner, they will have to face the civil imprisonment in case of contempt proceedings. If they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of delivery, so that the petitioner, later on, will not take a plea that the petitioner is not aware of the order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1. The Director of Municipal Administration,
Raja Annamalaipuram (R.A Puram), Chennai - 28.
2. The Director of Local Fund Audit,
Amma Vazhagam, 4th Floor, Veterinary Hospital,
571, Anna Salai, Nandanam, Chennai - 600 035.
3. The Regional Director of Municipal Administration, Salem - 4.
4. The Commissioner of Salem Corporation, Salem - 1.
5. The Deputy Director of Town Panchayat, Vellore - 632 009.
6. The Municipal Commissioner,
Komarapalayam Municipality, Namakal - 638 183.

+2cc to M/s.R.Karthikeyan, Advocate SR.NO..14756

+1cc to M/s.V.Jayaprakash Narayanan, Advocate SR.NO..15280

+1cc to The Government Pleader SR.NO..15159

AKM/08.04.21/4P- 11C/

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