

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.2845 of 2013

S.Pandian

... Petitioner

Vs.

1. The Director,
Municipal Administration,
Chepauk, Chennai - 600 005.
2. The Director of Township,
Kuralagam, Chennai - 600 108.
3. The Regional Director,
Municipal Administration,
Chengalput Region, Kancheepuram District.
4. The Assistant Director of Township,
Kancheepuram Region, Kacheepuram.
5. The Executive Officer,
Ullagaram Puzhuthivakkam III Grade Municipality,
Kancheepuram District.
6. The Commissioner,
Corporation of Chennai,
Ripon Buildings, Chennai - 600 003.
7. The Zonal Officer,
Zone XV (Sholinga Nallur),
No.120, Rajiv Gandhi Road,
(Old Mahabalipuram Road,),
Sholinganallur, Chennai - 600 119.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to superannuate the petitioner from 31.05.2007 and direct them to settle the entire terminal benefits due to this petitioner.

For Petitioner : Mr.T.Vengadesh

For Respondents: Mr.P.Chinnadurai-R1 to R5

Additional Government Pleader

Mr.R.Gopinath-R6

ORDER

This writ petition has been filed by the petitioner seeking a direction to the respondents to superannuate him from

31.05.2007 and accordingly, settle the entire terminal benefits due to him.

2. According to the petitioner, initially, he was appointed as an attender in Nandampakkam Village Panchayat and his service was regularized with effect from 01.10.1971. While so, Nandhampakkam Village Panchayat was upgraded to Town Panchayat with effect from 01.10.1971 by the proceedings of the Director of Rural Development dated 21.09.1971. It is the further case of the petitioner that due to taking care of his mother, who underwent surgery, he took leave without getting prior permission from the 5th respondent; and thereafter, he was unable to join duty. In the mean while, one K.Janakiraman was appointed in the place of the petitioner as Junior Assistant from 04.12.2002. The petitioner made several representations to all the respondents, requesting to accommodate him as Junior Assistant, to which, he received a reply dated 27.12.2009 from the Executive Officer, Ullagaram - Puzhithivakkam Township, instructing him to approach the Assistant Director, Kancheepuram, for retirement order and benefits due to him, as he reached the age of superannuation on 31.05.2007. Accordingly, he made a representation to the fifth respondent. Finding no response, he sent another representation dated 19.12.2012 to the Commissioner, Chennai Corporation and the Zonal Officer, Zone-15, Sholinganallur, Chennai-115. Since the said representation was not considered, the petitioner has come up with this writ petition for the aforesaid relief.

3.The learned counsel for the petitioner submitted that it would suffice if a direction is issued to the respondents to consider the representation dated 19.12.2012 submitted by the petitioner seeking settlement of retirement benefits due to him, within a stipulated time to be fixed by this Court, for which there is no serious objection on the side of the respondents.

4.Considering the facts and circumstances of the case and having regard to the submissions now made by the learned counsel on either side, this Court directs the respondents to consider the petitioner's representation dated 19.12.2012, if not already considered, and pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

5.Accordingly, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

vrc

To

1. The Director,
Municipal Administration,
Chepauk, Chennai - 600 005.
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Kuralagam, Chennai - 600 108.
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+1cc to Mr.R.Gopinath, Advocate, S.R.No. 3941
+1cc to the Government Pleader, S.R.No. 4226

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W.P.No.2845 of 2013

GSM(CO)
GN(30/03/2021)

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