



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Tuesday, the Twenty Third day of February Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice M.S.RAMESH

W.M.P. (MD) .Nos.2663 and 2665 of 2021
in W.P. (MD) .No.3315 of 2021

R.SELVAMANI

... PETITIONER/ PETITIONER
in both the petitions

Vs

1 THE ADDITIONAL CHIEF SECRETARY TO GOVERNMENT,
GOVERNMENT OF TAMIL NADU,
MUNICIPAL ADMINISTRATION AND WATER
SUPPLY (ME.4) DEPARTMENT,
SECRETARIAT, CHENNAI.

2 THE COMMISSIONER / DIRECTOR OF MUNICIPAL ADMINISTRATION,
CHEPAUK, CHENNAI - 600 005.

3 THE DIRECTOR OF LOCAL FUND AUDIT,
CHENNAI 600 108.

4 THE MUNICIPAL COMMISSIONER,
KUZHITHURAI MUNICIPALITY, NAGARCOIL. ... RESPONDENTS/RESPONDENTS
in both the petitions

PRAYER IN W.M.P. (MD) .No.2663 of 2021:

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to stay the 1st Respondent's impugned G.O.(D) No.13, dated 20.01.2021, by giving punishment of compulsory retirement to petitioner from the cadre of Overseer, Kuzhithurai Municipality i.e. 4th Respondent and Consequential relieving order of 4th Respondent in Na.Ka.No.730/2020/1.A.Aa.No.01/2021 dated 11.02.2012, Pending disposal of the writ petition.

Prayer in WMP(MD) . 2665/ 2021 :

To pleased to pass order in granting interim direction directing the 1st Respondent to direct the 4th Respondent to reinstate the Petitioner in service pending final disposal of the writ petition.



Prayer in WP(MD). 3315/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to please to pass an order or direction, more particularly in the nature of Writ of Certiorari of Mandamus to call for the records of the 1st Respondent's G.O.(D) No.13, dated 20.01.2021, by giving punishment of compulsory retirement to the petitioner from the cadre of Overseer, Kuzhithurai Municipality ie. 4th Respondent and consequential relieving order of 4th Respondent in Na.Ka.No.730/2020/1.A.Aa.No.01/2021 dated 11.02.2021 and quash the same and consequently direct the 1st respondent to direct the 4th respondent to reinstate the petitioner in service in the petitioner's original place and to provide the petitioner in service in the petitioner's original place and to provide the petitioner all his service benefits within the period as stipulated by this Hon'ble Court.

ORDER : These petitions coming up for orders on this day, upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of Mr.A.HAJA MOHIDEEN, Advocate for the petitioner in both the petitions and of Mr.S.DAYALAN, Government Advocate on behalf of the Respondents 1 to 3 in both the petitions, While admitting the Writ Petition, the court made the following order:-

Mr.S.Dayalan, learned Government Advocate, takes notice on behalf of the respondents 1 to 3.

2.The petitioner herein is challenging the punishment of compulsory retirement in the main writ petition. Based on the grounds raised in this writ petition, the writ petition has been admitted. However, the prayer in the interim applications, if ordered, would amount to allowing the writ petition. Whether the impugned order requires to be interfered or not is to be adjudicated during the final disposal of the writ petition. While that being so, it would not be appropriate to keep this miscellaneous petitions pending. Accordingly, both the miscellaneous petitions are dismissed.

sd/-
23/02/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE ADDITIONAL CHIEF SECRETARY TO GOVERNMENT,
GOVERNMENT OF TAMIL NADU,
MUNICIPAL ADMINISTRATION AND WATER
SUPPLY (ME.4) DEPARTMENT,

CHENNAI.

<https://hcservs.ecs.mca.gov.in/Aspx>



2 THE COMMISSIONER / DIRECTOR OF MUNICIPAL ADMINISTRATION,
CHEPAUK, CHENNAI - 600 005.

3 THE DIRECTOR OF LOCAL FUND AUDIT,
CHENNAI 600 108.

4 THE MUNICIPAL COMMISSIONER,
KUZHITHURAI MUNICIPALITY, NAGARCOIL.

ORDER IN
W.M.P.(MD).Nos.2663 and 2665 of 2021
in W.P.(MD).No.3315 of 2021
Date :23/02/2021

TM
MS/VR/SAR-3/02.03.2021/3P.5C