



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2021

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A. (MD)No.683 of 2021

and

C.M.P. (MD)No.2955 of 2021

against

WP (MD)No.3315 of 2021

R.Selvamani

... Appellant/Petitioner

Vs.

1. The Additional Chief Secretary to Government,
Govt. of Tamil Nadu,
Municipal Administration and Water Supply
(ME.4) Department,
Secretariat,
Chennai.
2. The Commissioner / Director Municipal Administration,
Chepauk,
Chennai - 600 005.
3. The Director of Local Fund Audit,
Chennai - 600 108.
4. The Municipal Commissioner,
Kuzhithurai Municipality,
Nagercoil.

... Respondents/Respondents

Prayer:- Appeal filed under Clause 15 of the Letters Patent, against the order passed by this Court in W.M.P.(MD)Nos.2663 and 2665 of 2021 in W.P.(MD)No.3315 of 2021, dated 23.02.2021.

Prayer in WMP(MD). 2663 of 2021 :

To please to stay the 1st Respondents 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/c1.A.A.No.01/2021 dated 11.02.2012, Pending disposal of the writ petition.



Prayer in WMP(MD). 2665 of 2021 :

To please 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 of 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 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/c1.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 with the period as stipulated by this Hon'ble Court.

For Appellant

: Mr.Ananth C.Rajesh

For R1 to R3

: Mrs.J.Padmavathi Devi
Special Government Pleader

JUDGMENT

(Judgment of the Court was delivered by M.M.SUNDRESH, J.)

This Writ Appeal has been preferred against the order of the learned Single Judge, declining to stay the impugned order.

2.The learned counsel appearing for the appellant submitted that there is a lack of jurisdiction.

3.This is an issue, which has to be raised before the learned Single Judge. In any case, after enquiry, the order of dismissal has been passed. As the appellant is not in service as on today, we do not find any error in the order passed by the learned Single Judge. However, considering the submissions made, we request the learned Single Judge, who is dealing with the service roster, to dispose of the Writ Petition on or before **24.06.2021**, as it is stated that the appellant is likely to be superannuated in the month of June 2021.



4.This Writ Appeal is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Additional Chief Secretary to Government of Tamil Nadu, Municipal Administration and Water Supply (ME.4) Department, Secretariat, Chennai.
2. The Commissioner / Director Municipal Administration, Chepauk, Chennai - 600 005.
3. The Director of Local Fund Audit, Chennai - 600 108.
4. The Municipal Commissioner, Kuzhithurai Municipality, Nagercoil.

+1 CC to Mr.ANANTH.C.RAJESH, Advocate (SR-13605[F] dated 25/03/2021)

+1 CC to SPL GP (SR-13890[F] dated 26/03/2021)

W.A. (MD) No. 683 of 2021
25.03.2021

VB (07.04.2021) 3P 7C