



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.12.2021

CORAM :

THE HON`BLE MR.JUSTICE B.PUGALENDHI

W.P(MD) No.20414 of 2021

Sivasubramanian

... Petitioner

Vs.

1.The Director of Municipal Administration,
Commissionerate of Municipal Administration,
No.78, Santhome High Road,
Raja Annamalaipuram,
Chennai - 28.

2.The Regional Director,
Regional Directorate of Municipal Administration,
Melakkal Road,
Kochadai, Madurai - 16.

3.The Commissioner,
Oddanchatram Municipality,
Dindigul District.

4.The Director,
Vigilance and Anti-Corruption,
No.293, MKN road,
Alanthur, Chennai - 600 016.

... Respondents

(R4 is suo motu impleaded vide Court order dated 15.11.2021 in W.P (MD) No.20414 of 2021 by BPJ)

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's application dated 03.02.2020 for voluntary retirement by taking note of the petitioner's representation dated 21.11.2020 and pass appropriate orders, within a time frame as fixed by this Court.

For Petitioner : Mr.D.Venkatesh
For R1 & R2 : Mr.S.Shaji Bino
Special Government Pleader
For R3 : Mr.L.P.Maurya

O R D E R

This writ petition is filed to direct the respondents to consider the petitioner's application dated 03.02.2020 for



voluntary retirement, based on his representation dated 21.11.2020.

2.The case of the petitioner is that the petitioner is working as Road Roller Cleaner, under the third respondent from 01.06.1996 onwards. Now, due to his age, health condition and family circumstances, he wanted to get voluntary retirement. Hence, he made an application for voluntary retirement, before the third respondent on 03.02.2020. Further, the petitioner has also sent the required three months notice to the third respondent.

3.The learned counsel for the petitioner submits that the petitioner is having all the eligibility criteria for retiring on Voluntary Retirement Scheme. In this regard, he made representation to the third respondent on 21.11.2020. Since the same is not considered so far, the petitioner is before this Court, with the present writ petition.

4.Mr.S.Shaji Bino, learned Special Government Pleader, who took notice for the first and second respondents submitted that the petitioner's application is under process and they have called for a report from the Director of Vigilance and Anti-Corruption, as required under Rule 56 (iii) (e) of Fundamental Rules, for voluntary retirement of Government Servants.

5. Considering the said representation, this Court by earlier order dated 15.11.2021, impleaded "the Director, Vigilance and Anti-Corruption, No.293, MKN Road, Alanthur, Chennai - 600 016." as fourth respondent in this Writ Petition and also directed the learned Special Government Pleader to get instructions from the Vigilance and Anti-Corruption Department.

6. Today(09.12.2021), when the matter is taken up for hearing, the learned Special Government Pleader produced a proceedings in NOC966/CAC-24/2020 dated 06.05.2020, from the Vigilance and Anti-Corruption Department that there is no enquiry or investigation pending on the file of the Directorate of Vigilance and Anti-Corruption Department against the petitioner, Sivasubramanian. According to him, this instruction was also communicated to the concerned Department on 14.05.2020.

7.Recording the submission made by the learned Special Government Pleader and taking into consideration the proceeding of the Vigilance and Anti-Corruption Department, there shall be a direction to the third respondent to take a decision on the application of the petitioner dated 03.02.2020, within a period of eight weeks from the date of receipt of a copy of this order.



8. With the above direction, this Writ Petition is allowed. No costs.

Sd/-

Assistant Registrar (P&A)

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// True Copy //

/ /2021

Sub Assistant Registrar (CS)

vrn

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 Director of Municipal Administration,
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+1 CC to M/s.L.P.MAURYA, Advocate (SR-38154[F] dated 10/12/2021)
+1 CC to M/s.SPL GP (SR-38097[F] dated 10/12/2021)

W.P (MD) No.20414 of 2021
09.12.2021

NSN (CO)

SP(30.12.2021) 3P 7C

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