



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P. (MD)No.10885 of 2016

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C.Vayanakkan

... Petitioner

vs

1. The Assistant Director
Municipal Administration,
Ramanathapuram District.
2. The District Collector,
Ramanathapuram District.
3. The Block Development Officer,
Kadaladi Panchayat Union,
Ramanathapuram District.
4. The President,
Kannirajapuram Panchayat,
Kadaladi Panchayat Union,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the third respondent herein to consider the petitioner's representations dated 26.01.2016 and 31.05.2016 and to disburse the petitioner's arrears of salary amount and provide all monetary benefits to him within a stipulated time fixed by this Court.

For Petitioner : S.Rajesh Kanna
for Mr.D.Nallathambi
For Respondents : Mr.P.Thambidurai
Government Advocate (Civil side)

O R D E R

This Writ Petition is filed for issuance of a Writ of Certiorarified Mandamus, directing the third respondent to consider the petitioner's representation dated 26.01.2016 and 31.05.2016 and disburse all salary and monetary benefits applicable to the petitioner.

2. The brief facts of the case are that the petitioner was appointed as Overhead Tank Operator on 01.04.1986. On 02.05.2012, the petitioner was not allowed to function his duty since there is a



discrepancy in his age certificate. The petitioner approached the Medical Board, Ramanathapuram District and after proper medical checkup, the Medical Board has issued a certificate on 22.07.2013 stating that the petitioner's age is 55 years as on 2015. With this proof, the petitioner has approached the respondents, but the respondents did not consider the petitioner's request. Then the petitioner has approached the first respondent, Assistant Director, Municipal Administration and the first respondent, vide order, dated 06.08.2014, directed the fourth respondent to consider the representation and disburse all arrears of salary for the period March 2012 to June 2014. In spite of such direction, the fourth respondent has not disbursed the salary. The similar issue was raised by one Mr.Ramanathan and has approached this Court vide order, dated 25.03.2014, directed the respondents to consider the representation and grant all monetary benefits including arrears of salary.

3. The contention of the petitioner is till now the petitioner was not removed from service nor suspended from service. The petitioner was not allowed to function his duty by demanding his age certificate. Hence, the petitioner is entitled to arrears of salary of Rs.28,390/- (Rupees Twenty Eight Thousand Three Hundred and Ninety only) for the period 2006-2012.

4. The learned Government Advocate appearing for the respondents has submitted that the salary was already disbursed to the petitioner and the petitioner has also agreed that he had received the salary.

5. Now the contention of the petitioner is that he was not allowed to retire from service. Therefore, this Court directs the respondents to allow the petitioner to retire from service and thereafter, pay all terminal benefits that is applicable to the petitioner as per the rule applicable to the petitioner. The said exercise shall be completed within six weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (AD-I)

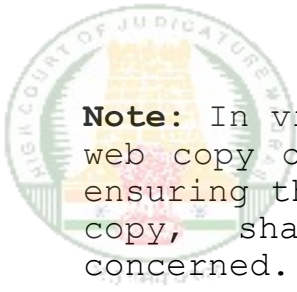
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Sub Assistant Registrar(CS)

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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.

WEB COPY

To

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4. The President,
Kannirajapuram Panchayat,
Kadaladi Panchayat Union,
Ramanathapuram District.

+1 CC to M/s.D.NALLATHAMBI, Advocate (SR-7052[F] dated 18/02/2022)

+1 CC to M/s.SPL GP (SR-7133[F] dated 18/02/2022)

Order made in
W.P. (MD) No.10885 of 2016
17.02.2022

SS (CO)
GC(21.03.2022) 3P 7C