



WEB COPY



W.P.No.24541 of 2023

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.24541 of 2023

D.Santhakumar

.... Petitioner

Vs

1. The Secretary to Government,
Municipal Administration Water Supply Department,
Government of Tamil Nadu,
Secretariat,
Chennai – 600 002.

2. The Commissioner,
Greater Chennai Corporation,
Ripon Building Campus,
Chennai – 600 003.

3. The Deputy Collector,
Administration – North,
Greater Chennai Corporation,
Ripon Building Campus,
Chennai – 600 003.

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Mandamus directing the 2nd respondent to consider the representation of the petitioner dated 31.10.2022 and reminder dated 14.07.2023 and to pass orders on the same within the time frame to be fixed by this Court by regularizing the period of suspension and treating the same as duty with full pay and allowances.



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For Petitioner : Ms. C.Tamilzharasi
For R1 : Mr. P.Ganesan
Government Advocate.
For R2 & R3 : Mr. S.Gopinathan
Standing Counsel.

ORDER

This Writ Petition has been filed for a direction directing the second respondent to consider the representation of the petitioner dated 31.10.2022 and the reminder dated 14.07.2023 seeking to regularize the period of his suspension and treat the same as on duty with full pay and allowances.

2. Heard the learned counsel appearing for the petitioner, learned Government Advocate appearing for the first respondent, learned Standing Counsel appearing for the 2nd & 3rd respondents and perused the materials available on record.

3. It is seen that the petitioner was originally appointed in the post of Carpenter in Chennai Corporation. Thereafter, he was promoted as Conservancy Maistry. Subsequently, he was promoted as Conservancy Inspector. On charges, he was suspended from service. After enquiry, he was removed from service on 03.05.1999. Though the appeal filed by the petitioner was rejected, his Mercy Petition was considered and the punishment was



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modified to one of compulsory retirement. It was also challenged by the petitioner in W.P.No.9560 of 2010 and the same was dismissed. Aggrieved by the same, he filed an appeal before the Supreme Court of India and the same was also dismissed. The petitioner also submitted his representation on 06.08.2013 to regularise the suspension period as duty. The said request was rejected by an order dated 07.01.2014. However, the petitioner did not challenge the same and on 31.10.2022, the petitioner made another representation for the very same relief. The said request made by the petitioner cannot be considered, as the petitioner failed to challenge the earlier order rejecting his similar request. Hence, the writ petition is devoid of merits and is liable to be dismissed.

4. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs.

21.08.2023

Internet: Yes
Index: Yes/No
Lpp

G.K.ILANTHIRAIYAN, J.



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