



W.P.(MD)No.3475 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.3475 of 2023

C.Murugesan

... Petitioner

Vs.

1. The Principal Secretary to Government,
Municipal Administration and Water Supply Department,
Government of Tamil Nadu,
Secretariat,
Chennai - 600 009.

2. The Commissioner of Municipal Administration,
Chepauk,
Chennai - 600 005.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the first respondent to take appropriate action in revoking the order of suspension dated 30.04.2018 and pass order permitting the petitioner to retire from service and to sanction pension and other retirement benefits on the basis of the petitioner's representation dated 01.02.2023, within a stipulated time that may be fixed by this Court.



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For Petitioner : Mr.P.Saravanakumar
For Respondents : Mrs.K.Christy Theboral
Additional Government Pleader

ORDER

This Writ Petition has been filed for a direction to the first respondent to take appropriate action in revoking the order of suspension dated 30.04.2018 and pass order permitting the petitioner to retire from service and to sanction pension and other retirement benefits on the basis of the petitioner's representation dated 01.02.2023, within a stipulated time that may be fixed by this Court.

2. The case of the petitioner is that the petitioner was working as Municipal Commissioner in Ambasamudram Municipality and when he was due to retire from service on 30.04.2018, he was issued with a charge memo on 27.04.2018 and he was placed under suspension, vide order, dated 30.04.2018 not permitting him to retire from service under 56(1)(c) of the Fundamental Rules. Thereafter, the enquiry was conducted, but no final orders were passed. Hence, the petitioner has filed a Writ Petition before



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this Court in W.P.(MD)No.15825 of 2020. This Court, by order dated 10.11.2020, issued a direction to the first respondent to complete the disciplinary proceedings within a period of twelve weeks, pursuant to which, the enquiry was conducted and the charges framed against him was dropped and exonerated him from the allegations, vide order, dated 02.11.2021 and 01.12.2022. Though the disciplinary proceedings and a criminal case ended its finality in his favour, but till date, terminal benefits were not settled. Hence, the petitioner has submitted a representation on 01.02.2023 for revocation of order of suspension and disbursement of terminal benefits. Later, on 09.02.2023, he has sent a reminder to consider his representation But, till date, no order was passed. Therefore, the petitioner has filed the present Writ Petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioner would submit that it would suffice, if the first respondent is directed to consider the representation of the petitioner, dated 01.02.2023, on merits and in accordance with law, within a specified period.



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4. The learned Additional Government Pleader appearing for the respondents has no serious objection for such an order being passed by this Court.

5. Considering the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the matter, directs the first respondent to consider the petitioner's representation, dated 01.02.2023 and pass appropriate orders, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

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

21.02.2023

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
vji



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To

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