



W.P(MD)No.7047 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.04.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7047 of 2023
and
W.M.P(MD)Nos.6664 & 6665 of 2023

M.Thayuman

... Petitioner

Vs

The Commissioner,
Tiruchirappalli City Corporation,
Tiruchirappalli.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned charge memo of the respondent in R.C.No. 12512/98/03 dated 18.05.2022 read along with the impugned order of the respondent in Roc.No.C3/M/1332/04 dated 03.04.2004 and quash the same as illegal and consequently directing the respondent to release the gratuity, pensionary benefits and all other retirement benefits of the petitioner with interest.

For Petitioner : Mr.B.Prasanna Vinoth

For Respondent : Mr.K.R.Kishore Ram
for M/s.R.B.Associates



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ORDER

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Heard the learned counsel on either side.

2. The petitioner was employed in the respondent Corporation and retired as Junior Engineer way back on 31.05.2001. The petitioner is now aged about 83 years. He has not been disbursed with his terminal benefits till date. The reason is that there is a pendency of disciplinary action against the petitioner. The disciplinary action commenced wayback on 18.05.2002. For 21 years, nothing has taken off. It appears that the employer approached the State Government for getting permission to initiate the impugned action against the petitioner. It further appears that the Government has not given green signal to the employer.

3. The resultant effect is that the petitioner has been put to untold hardship. If a disciplinary action has been kept pending for an indefinitely long period and the delay would cause prejudice to the delinquent, it is certainly a ground for quashing. The petitioner is now aged about 83 years. If the disciplinary action is allowed to take off now, the petitioner will not be in a position to defend himself. The documents would have gone missing. The witnesses may not even be alive. The petitioner is suffering from memory



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lapse and other difficulties. The right to have a fair enquiry cannot be enforced in this case. Considering all these aspects, the impugned proceedings are quashed. The respondent is directed to disburse the petitioner's terminal benefits within a period of eight weeks from the date of receipt of a copy of this order.

4. This writ petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

13.04.2023

Index : Yes / No
Internet : Yes/ No
NCC : Yes / No
MGA

To

The Commissioner,
Tiruchirappalli City Corporation,
Tiruchirappalli.



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G.R.SWAMINATHAN, J.

MGA

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