



W.P.(MD).No.8655 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 17.04.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No. 8655 of 2023

P.Arampuli

... Petitioner

Vs.

The Madurai City Municipal Corporation,
through its Commissioner,
Aringar Anna Maaligai,
Tallakulam,
Madurai – 625 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of ***Writ of Mandamus***, directing the respondent to consider representation of the petitioner, dated 16.03.2023 within the time framed by this Court.

For Petitioner : Mr.N.Murugesan

For Respondent : Mr.S.Vinayak,
Standing Counsel

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2. This petition has been filed for ***Writ of Mandamus***, directing the respondent to consider the representation of the petitioner,

<https://www.mhc.tn.gov.in/judis>
dated 16.03.2023.



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3. The petitioner was facing four charges, through a charge memo, dated 04.01.2007 issued under Rule 8(2) of Tamil Nadu Municipal Services (Discipline and appeal) Rules. Pending disciplinary proceeding, the petitioner attained superannuation and was allowed to retire from service on 31.07.2004 without prejudice to the disciplinary proceedings. Thereafter the petitioner was already imposed punishment, wherein in the first disciplinary proceedings, it was ordered to deduct Rs.5229/- from pension and in another disciplinary proceedings it was ordered to deduct Rs.2000/- from pension. The punishment was also implemented and the amounts were recovered from the petitioner. The contention of the petitioner is that inspite of the implementation of the punishment the respondents have not disbursed the gratuity amount which the respondent is bound to pay. The Principal Secretary Municipal Administration has directed the respondent to pay the amount, vide communication, dated 20.06.2016, inspite of the same, the respondent has not come forward to disburse the gratuity amount. The petitioner has submitted a representation, dated 16.03.2023 and the respondent has received the same on 17.03.2023. Inspite of the same, the respondent did not disburse the gratuity amount to the petitioner.

4. The contention of the respondent is that service records of the petitioner ought to be scrutinized and it has been circulated to various



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departments, thereafter only the gratuity amount would be paid. This contention of the respondents cannot be accepted. Since the Principal Secretary Municipal Administration has directed the respondent to disburse the gratuity amount to the petitioner, as early as 2016 itself.

5. Accordingly, the respondent is directed to pay the gratuity amount, within a period of six weeks from the date of receipt of a copy of the order, with applicable statutory interest to the petitioner.

6. With the above observations and directions, this Writ Petition is allowed. There shall be no order as to costs.

Index : Yes / No
Internet : Yes
ksa

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S.SRIMATHY, J

ksa

**Order made in
W.P.(MD)No.8655 of 2023**

17.04.2023