



W.A.(MD)No.1773 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.A.(MD)No.1773 of 2023

and

C.M.P.(MD)No.13527 of 2023

The Commissioner,

Thoothukudi City Municipal Corporation,

Thoothukudi,

Thoothukudi District.

... Appellant

Vs.

1.K.Thirumalsamy,

Sanitary Inspector,

Thoothukudi City Municipal Corporation,

Thoothukudi,

Thoothukudi District.

2.The Commissioner of Municipal Administration,

Chepauk,

Chennai – 600 005.

...Respondents



W.A.(MD)No.1773 of 2023

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act, to set aside the order passed in W.P.(MD)No.13808 of 2015, dated 31.10.2022 on the file of this Court.

For Appellant : Mr.N.Anandakumar

For Respondent No.1 : Mr.S.Louis

For Respondent No.2 : Mr.T.Amjadkhan

Government Advocate

JUDGMENT

(Judgment of the Court was delivered by ***S.M.SUBRAMANIAM, J.***)

The Writ Appeal has been instituted challenging the order dated 31.10.2022 passed in W.P.(MD)No.13808 of 2015.

2.Admittedly, departmental disciplinary proceedings were initiated against the first respondent employee who was holding the post of Sanitary Inspector at Thoothukudi City Municipal Corporation. The first respondent was placed under suspension and a charge memo was issued to him on 22.06.2013.

3.It is not in dispute between the parties that the order of suspension was quashed by this Court in W.P.(MD)No.10940 of 2013 dated 30.07.2013 and



consequently, the charge memo issued was also dropped. Consequently, the first respondent was exonerated from the departmental disciplinary proceedings. The first respondent submitted an application for voluntary retirement, which was also accepted by the employee with effect from 21.01.2015 and accordingly, the benefits due to the employee are to be settled with effect from 22.01.2015. Even the voluntary retirement application submitted by the first respondent was directed to be considered by this Court in another writ petition and the employer considered the same positively and allowed the first respondent to retire from service under Voluntary Retirement Scheme.

4.The fact remains that the first respondent employee was absolutely exonerated from the departmental disciplinary proceedings and therefore, he is entitled for all terminal and retiral benefits, including salary for the period of suspension. The learned Judge considered the issues in a right perspective and in consonance with the Service Rules in force and held that the first respondent is entitled to receive all the terminal and retirement benefits as per the Rules in force. Thus, we do not find any infirmity in respect of the findings made in the writ order.



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5. Accordingly, the Writ Appeal stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

(S.M.S., J.) & (V.L.N., J.)

10.10.2023

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

MR

To
The Commissioner of Municipal Administration,
Chepauk,
Chennai – 600 005.



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AND

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MR

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