



W.P(MD)No.15410 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2023

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.15410 of 2023

M.Pandi

... Petitioner

Vs.

1.The Director of Municipal Administration,
No.3, MRC Nagar,
Raja Annamalaipuram,
Chennai-600 028.

2.The Director of Local Fund Audit,
Finance Department Buildings,
Thenampettai,
Chennai-600 035.

3.The Commissioner of Municipality,
Rameshwaram,
Ramanathapuram District.

4.The Commissioner of Municipality,
Paramakudi,
Paramakudi Post,
Ramanathapuram District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents 1 to 4 to consider the petitioner's representation, dated 09.06.2023 for disbursement of pensionary benefits in the light of



W.P(MD)No.15410 of 2023

cancellation of charges framed against the petitioner and permitting the petitioner to retire from service on 31.05.2023 without prejudice to the pending enquiry by DV and AC in proceedings Na.Ka.No. 13708/J2/2022, dated 08.02.2023 and consequential proceedings of the 3rd respondent in Na.Ka.No.1245/2020/A1, dated 28.02.2023, within the period stipulated by this Court.

For Petitioner : Mr.K.Ponnaiah

For R1 & R2 : Mr.J.Ashok
Additional Government Pleader

For R3 : Mr.M.Kannan

For R4 : No Appearance

ORDER

The present writ petitioner has been filed seeking a Mandamus directing the authorities to disburse the pensionary and other benefits in view of the cancellation of the charges framed against the writ petitioner.

2. A perusal of the typedset of papers indicates that the petitioner was issued with a charge memo on 19.05.2022. The authorities by an order, dated 08.02.2023 have recalled the charges and permitted the petitioner to retire from service with effect from 31.05.2022 on a condition that he would be subjected to DV & AC proceedings. A



W.P(MD)No.15410 of 2023

perusal of the order, dated 08.02.2023 further reveals that till DV & AC proceedings and audit objections are cleared, no terminal benefits would be admissible to the writ petitioner. Without challenging the said order, the present writ petition has been filed seeking a direction to the authorities to release the terminal benefits. Therefore, the writ petition is not maintainable and the same is dismissed with liberty to the writ petitioner to challenge the order, dated 08.02.2023, if he is so advised.

3. In view of the above, this Writ Petition stands dismissed. No costs.

20.12.2023

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

To

1.The Director of Municipal Administration,
No.3, MRC Nagar,
Raja Annamalaipuram,
Chennai-600 028.

2.The Director of Local Fund Audit,
Finance Department Buildings,
Thenampettai,
Chennai-600 035.



WEB COPY



W.P(MD)No.15410 of 2023

R.VIJAYAKUMAR,J.

gbg

Order made in
W.P(MD)No.15410 of 2023

Dated:
20.12.2023