



W.P.(MD).No.16003 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.16003 of 2023

Backiyanathan

... Petitioner

Vs.

The Commissioner,
Kumbakonam Corporation,
Kumbakonam,
Thanjavur District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent herein to disburse the arrears of salary, Family Welfare Fund, General Provident Fund, Family Pension and all other monetary benefits to the petitioner based on the representation dated 16.11.2022 within a time limit stipulated by this Court.

For Petitioner : Mr.B.Anandan

For Respondent : Mr.V.Panneer Selvam
Standing Counsel



W.P.(MD).No.16003 of 2023

WEB COPY

ORDER

The present writ petition has been filed seeking direction to the respondent to disburse the arrears of salary, Family Welfare Fund, General Provident Fund, Family Pension and all other monetary benefits to the petitioner based on the representation dated 16.11.2022 within a time limit stipulated by this Court.

2. The petitioner was working as a Sweeper in Kumbakonam corporation on permanent basis. On 23.10.2014, the petitioner was falsely implicated in a criminal case in Crime No.412 of 2014 in Taluk Police Station, Kumbakonam. Consequently, he was suspended from service on 24.10.2014 by the Commissioner of Kumbakonam corporation. After that, he was given a self explanation on 02.03.2015 and 01.04.2015. On being satisfied by his explanation, the Commissioner of Kumbakonam corporation cancelled the earlier suspension order. In the meanwhile, Crime No.412 of 2014 was charge sheeted and was taken on file in C.C.No.74 of 2015 and after a fulfilled trial, the petitioner was acquitted from all the charges by the learned Judicial Magistrate No.II at Kumbakonam by judgment, dated 11.10.2021. As a result



W.P.(MD).No.16003 of 2023

of which, the petitioner was reinstated in the year 2015. The petitioner received only partial salary from Kumbakonam corporation from 04.12.2014. Even after the date of judgment, the salary was not increased as full, only the partial salary was continued. Hence, on 16.11.2022, the petitioner sent a representation to the respondent, requesting payment of the salary arrears which were held and all other monetary benefits from the date of his temporary suspension on 24.10.2014. Upon reviewing the facts, the respondent issued a communication, dated 26.04.2023 informing the petitioner that the period during which he was on temporary layoff would be considered as his service period. However, they stated that the wages would be paid from 04.12.2014. But even after that, there was no proper response and hence, this writ petition came to be filed by the petitioner to consider his representation, dated 16.11.2022.

3. Heard Mrr.B.Anandan, learned counsel for the petitioner and Mr.V.Panneer Selvam, learned standing counsel for the respondent.

4. Whenever a representation is made to a statutory authority, it is the duty of the statutory authority to consider the representation and non-consideration of representation in one way or other would amount to dereliction



W.P.(MD).No.16003 of 2023

of duty. Hence, without going into the merits of the case, this Court directs the respondent corporation to consider the representation of the petitioner, dated 16.11.2022 and pass orders in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order.

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

04.07.2023

NCC : No
Index : No
Internet : No

gbg

To

The Commissioner,
Kumbakonam Corporation,
Kumbakonam,
Thanjavur District.



WEB COPY



W.P.(MD).No.16003 of 2023

L.VICTORIA GOWRI, J.

gbg

W.P.(MD).No.16003 of 2023

04.07.2023