



WMP(MD) No.17449 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)
Tuesday, the Twenty Ninth day of August Two Thousand and Twenty Three
PRESENT

The Hon`ble Mr.Justice BATTU DEVANAND
WMP(MD) Nos.17449 and 17501 of 2023
in
WP(MD) No.17060 of 2016

WMP(MD).17449/2023 :

THE COMMISSIONER OF MUNICIPAL ADMINISTRATION,
EZHILAGAM ANNEXE,
CHEPAUK,
CHENNAI-5.

... PETITIONER/1ST RESPONDENT

Vs

1 R.ALAGARSAMY

... RESPONDENT/PETITIONER

2 THE ASSISTANT DIRECTOR
MUNICIPAL PENSION VERIFICATION,
LOCAL FUND AUDIT DEPARTMENT,
KURLAGAM, CHENNAI-108.

3 THE COMMISSIONER
BODINAYAKANUR MUNICIPALITY,
BODINAYAKKANUR,
THENI DISTRICT.

... RESPONDENTS/RESPONDENTS 2 & 3

Writ Miscellaneous Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to grant leave to the petitioner / 1st respondent to file counter affidavit in WP (MD) No.17060/2016 on the file of this Honble Court and accordingly direct the Registry of the Honble High Court of Madras at Madurai Bench to accept this counter affidavit.



WMP(MD) No.17449 of 2023

WMP(MD).17501/2023 :

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THE COMMISSIONER
BODINAYAKANUR MUNICIPALITY,
BODINAYAKKANUR,
THENI DISTRICT.

... PETITIONER/3RD RESPONDENT

VS

1 R.ALAGARSAMY

... 1ST RESPONDENT/PETITIONER

2 THE COMMISSIONER OF MUNICIPAL ADMINISTRATION,
EZHILAGAM ANNEXE,
CHEPAUK,
CHENNAI-5.

3 THE ASSISTANT DIRECTOR
MUNICIPAL PENSION VERIFICATION,
LOCAL FUND AUDIT DEPARTMENT,
KURLAGAM, CHENNAI-108.

... 2 & 3 RESPONDENTS/1 & 2 RESPONDENTS

To grant leave to the 3rd respondent to file counter affidavit in WP(MD) No.17060/2016 and accordingly direct the registry to accept this Counter affidavit.

WP(MD).17060/2016 :

R.ALAGARSAMY

... PETITIONER

VS

1 THE COMMISSIONER OF MUNICIPAL ADMINISTRATION,
EZHILAGAM ANNEXE,
CHEPAUK, CHENNAI-5.

2 THE ASSISTANT DIRECTOR
MUNICIPAL PENSION VERIFICATION,
LOCAL FUND AUDIT DEPARTMENT,
KURLAGAM, CHENNAI-108.



WMP(MD) No.17449 of 2023

3 THE COMMISSIONER
BODINAYAKANUR MUNICIPALITY,
BODINAYAKKANUR,
THENI DISTRICT.

... RESPONDENTS

Prayer in WP(MD). 17060/ 2016 :

To issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 2nd respondent in his proceedings K.Dis.15591/MPV(2)/2016 dated 08.06.2016 and consequentially to direct the respondents to sanction retirement benefits to the petitioner in the light of Rule 11 (4) of the Tamil Nadu Pension Rules, 1978 and disburse the same within the period that may be stipulated by this Hon'ble Court.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.Additional Government Pleader for the petitioner in WMP(MD). Nos.17449/2023 and for the Respondent Nos.1 & 2 in WP(MD).17060/2016 and MR.A.KANNAN, Standing Counsel for the petitioner in 17501/2023 and for the 3rd respondent in WP(MD).17060/2016 and of MR.C.VENKATESH KUMAR, Advocate for M/S.AJMAL ASSOCIATES on behalf of the 1st Respondent in WMP(MD). Nos.17449 & 17501/2023 and for the petitioner in WP(MD).17060/2016, the court made the following order:-

These petitions are filed seeking to grant leave to the petitioners herein/respondents 1 and 3 to file counter affidavit.

2. Heard and perused the averments made in the accompanying affidavit.

3.This Court is not satisfied with the reasons assigned by the petitioners/respondents 1 and 3 for non-filing the counter affidavit for the last 7 ½ years. However, for proper adjudication of this case, counter is very much essential.

This Court intends to allow these petitions to grant leave on certain conditions.

4. Accordingly, these petitions are allowed on condition of payment of cost



WMP(MD) No.17449 of 2023

Rs.5,000/- (Rupees five thousand only) for each petition to the Women Advocates Association in Madurai Bench of Madras High Court to utilize for running the Children's home by the next date of hearing.

5. Post on 05.09.2023.

sd/-
29/08/2023

/ TRUE COPY /

/08/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CM

TO

1 THE COMMISSIONER OF MUNICIPAL ADMINISTRATION,
EZHILAGAM ANNEXE,
CHEPAUK, CHENNAI-5.

2 THE ASSISTANT DIRECTOR
MUNICIPAL PENSION VERIFICATION,
LOCAL FUND AUDIT DEPARTMENT,
KURLAGAM, CHENNAI-108.

3 THE COMMISSIONER
BODINAYAKANUR MUNICIPALITY,
BODINAYAKKANUR,
THENI DISTRICT.

COPY TO

THE OFFICER INCHARGE,
WOMEN ADVOCATES ASSOCIATION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

(To utilize for running the Children's home)

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



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WMP(MD) No.17449 of 2023

ORDER

IN

WMP(MD) Nos.17449 and 17501 of 2023
in WP(MD) No.17060 of 2016

Date :29/08/2023

RS/DD/SAR-(31.08.2023) 5P 5C

Madurai Bench of Madras High Court is issuing
certified copies in this format from 17/07/2023