



WMP(MD) No.17446 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) No.17446 of 2023

IN

WP(MD) No.17060 of 2016

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

... PETITIONER/2ND RESPONDENT

Vs

1 R.ALAGARSAMY

... 1ST RESPONDENT/PETITIONER

2 THE COMMISSIONER OF MUNICIPAL ADMINISTRATION,
EZHILAGAM ANNEXE,
CHEPAUK,
CHENNAI 600 005

3 THE COMMISSIONER
BODINAYAKANUR MUNICIPALITY,
BODINAYAKKANUR,
THENI DISTRICT.

... RESPONDENTS

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 petitioners to file counter affidavit in the writ petition in W.P.(MD).No. 17060 of 2016.



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WP(MD).17060/2016 :

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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.

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.17446/2023 and for the respondent nos.1 & 2 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.17446/2023 and for the petitioner in WP(MD). 17060/2016 and MR.A.KANNAN, Standing Counsel on behalf of the 3rd Respondent in both WMP & WP, the court made the following order:-

This petition is filed seeking to grant leave to the petitioner herein/2nd



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respondent t file counter affidavit in the main Writ petition.

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

3. This Court is not satisfied with the reasons assigned by the petitioner/2nd respondent 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 this petition to grant leave on certain conditions.

4. Accordingly, this petition is allowed on condition of payment of cost Rs.5,000/- (Rupees five thousand only) to the Advocates Welfare Fund of the Bar Council of Tamil Nadu 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.



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3 THE COMMISSIONER
BODINAYAKANUR MUNICIPALITY,
BODINAYAKKANUR,
THENI DISTRICT.

COPY TO

THE OFFICER INCHARGE,
ADVOCATES WELFARE FUND,
BAR COUNCIL OF TAMIL NADU & PUDUCHERRY,
HIGH COURT, CAMPUS, CHENNAI.

+1 CC to M/s.A.KANNAN, Advocate (SR-12953[I] dated 30/08/2023)

ORDER
IN

WMP(MD) No.17446 of 2023

IN

WP(MD) No.17060 of 2016

Date :29/08/2023

RS/DD/SAR-(31.08.2023) 4P 6C

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