



W.P. No.28686 of 2014

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2024

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THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P. No.28686 of 2014
and M.P. Nos.2, 3 of 2014 and 1 of 2015

D.Rajendran

... Petitioner

Vs.

- 1.The Additional Chief Secretary,
Municipal Administration and
Water Supply Department,
Secretariat, Fort St.George,
Chennai-600 009.
- 2.The Commissioner,
Corporation of Chennai,
Rippon Buildings, Chennai-600 003.
- 3.The Chief Accounts Officer,
Central Accounts,
Corporation of Chennai,
Rippon Buildings, Chennai-600 003.
- 4.The Deputy Director,
Local Fund Audit Department,
Corporation of Chennai Audit,
Corporation of Chennai,
Rippon Buildings, Chennai-600 003.

... Respondents



W.P. No.28686 of 2014

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order being A.C.C.No.A9/0447/2011 dated 25.08.2011 issued by the 3rd Respondent together with the impugned letter G.Lr.No.16261/MC3/2012-7 dated 21.08.2014 issued by the 1st Respondent and quash the same as illegal and void and consequently direct Respondents to restore the pay and allowance applicable to the petitioner before the re-fixation of pay pursuant to the impugned order with attendant benefits and computation of pension and other service benefits along with suitable interest.

For Petitioner : Mr.Joseph Stalin
for M/s.Beulah John Selvaraj

For Respondents : Mr.S.Rajesh (for R1)

Mr.G.T.Subramanian (for R2 to R4)

ORDER

When the matter is taken up for consideration, the learned counsel for the petitioner brought to the notice of this Court that the issue that arises for consideration in the present writ petition has already been considered by this Court under similar circumstances in W.P.Nos.23123 and 29398 of 2008 by order dated 27.09.2021. It was further submitted that the appeal filed by the Respondents herein in W.A.No.554 of 2022 against the aforesaid order was also dismissed by the learned Division Bench of this Court vide order dated 12.10.2022, copies of the said orders are placed before this Court.



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2. The learned counsel for the Respondents also reiterated the said submission of the counsel for the petitioner.

3. In the light of the above, the counsel on either side submitted that the impugned orders are liable to be quashed and the original pay of the petitioner has to be restored. Accordingly, the impugned orders in this writ petition are quashed and the Respondents are directed to pass appropriate orders to restore the pay of the petitioner and the amounts that are due and payable to the petitioner shall be paid by the Respondents at any rate within a period of 8 weeks from the date of receipt of a copy of this order. The writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

30.09.2024

Speaking (or) Non Speaking Order

Index : Yes/ No

Neutral Citation: Yes/No

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To:



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MUMMINENI SUDHEER KUMAR, J.

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