



W.P.(MD).No.14076 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.14076 of 2023

and

W.M.P.(MD).Nos.11927, 11931, 11932 & 21093 of 2023

P.Mariappan

... Petitioner

vs

1. The Director of Municipal Administration,
75, Santhome High Road,
Chennai-600 028.

2. The Commissioner,
Virudhunagar Municipality,
Virudhunagar,
Virudhunagar District.

3. The Commissioner,
Kovilpatti Municipality,
Kovilpatti,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records of the 1st respondent herein in his proceedings in Na.Ka.No.518/2023/K1 dated 30.05.2023 and quash the same and consequently direct the respondents herein to settle the petitioner's terminal benefits forthwith.



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For Petitioner : M/s.Hemakarhikeyan
For Respondent No.1 : Mr.S.Shanmugavel
For Respondent Nos.2 & 3 : Mr.J.Parekhkumar

ORDER

The instant writ petition has been filed by a retired employee of the 2nd respondent municipality, challenging the conditions imposed in the order permitting his retirement.

2. The petitioner herein, who was working as an Assistant in the 2nd respondent municipality had attained superannuation on 31.05.2023, and he was permitted to retire by way of impugned proceedings dated 30.05.2023. The petitioner is primarily aggrieved over the 3rd condition imposed in the order of retirement.

3. A perusal of the 3rd condition reveals that the petitioner would not be entitled to receive the pensionary benefits, unless the enquiry pending against the writ petitioner is disposed of.



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4. According to the learned Counsel appearing for the writ petitioner, pending writ petition, the petitioner was issued with a charge memo dated 15.09.2023 and he had submitted his explanation on 15.10.2023. The Commissioner of Kayalpattinam Municipality was appointed as enquiry officer. According to the petitioner, the enquiry has been completed, and the enquiry officer has submitted his report to the first respondent. However, the first respondent has not yet passed any final orders in the disciplinary proceedings. Therefore, the terminal benefits of the writ petitioner are yet to be released, despite the fact that the petitioner has attained superannuation one year back.

5. Considering the above said facts, the first respondent herein is directed to pass final orders in the enquiry report submitted by the Commissioner, Kayalpattinam Municipality within a period of twelve (12) weeks from the date of receipt of copy of this order.



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6. With the above said direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

25.10.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR,J.

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