



WP(MD) No.18157 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.08.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.18157 of 2024

K.Kamatchi

... Petitioner

Vs.

1. The Director / Commissioner,
Directorate of Town Panchayat,
MRC Nagar, Chennai - 18.

2. The District Collector,
O/o. the District Collector,
Madurai District.

3. The Assistant Director of Town Panchayat,
Madurai Zone, Madurai.

4. The Director,
Local Fund Audit Department,
Anna Salai,
Chennai.



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5. The Executive Officer,,
Vadipatti Town Panchayat,
Vadipatti,
Madurai District.

....Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the Respondents to regularize the suspension period of the petitioner i.e from 07.11.2005 to 23.08.2015 as duty period and provide the service and monetary benefits for that period and consequently direct the Respondents to disburse all retirements and pension benefits with 6% of interest by considering the petitioner's representation, dated 18.07.2024.

For Petitioner : Mr. T.Thirumurugan

For Respondents : Mr.N.Ramesh Arumugam—for R1 to R4

Government Advocate

Mr.SRA.Ramachandran – for R5

Additional Government Pleader

ORDER

The petitioner has filed this Writ Petition seeking for a Writ of Mandamus to direct the Respondents to regularize the suspension period of the petitioner i.e from 07.11.2005 to 23.08.2015 as duty period



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and provide the service and monetary benefits for that period and consequently direct the Respondents to disburse all retirements and pension benefits with 6% of interest by considering his representation, dated 18.07.2024.

2. Heard Mr.T.Thirumurugan, learned counsel for the petitioner and Mr.N.Ramesh Arumugam, learned Government Advocate for the respondents 1 to 4 and Mr.SRA.Ramachandran, learned Additional Government Pleader appearing for the fifth respondent.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

4. The petitioner was appointed as a Bus Tax Collector and during his tenure, a criminal case has been registered against him and hence, he was kept under suspension and a charge memo was also served on 28.02.2008. Thereafter, he was acquitted and rejoined the service on 24.08.2015. In the mean time, the petitioner got retired from



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service on 31.05.2021. But the retirement benefits have not been disbursed to the petitioner till date. The petitioner sent a representation to the respondents in this regard. On 18.04.2023, the fifth respondent informed that the proposal, dated 28.12.2001 regarding regularisation of the petitioner's suspension period is pending with the first respondent and the benefit would be disbursed, once the second respondent had passed an order. Thereafter, the petitioner has given several representations to the respondents on various dates and sought for regularisation of his suspension period and to disburse his retirement benefits. Since the representations were was not considered so far, the present writ petition has been filed.

5. It is needless to point out that whenever a representation of this nature is made to a Government Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders, instead of keeping the same pending indefinitely. The failure on the part of the authority had prompted the petitioner to file this petition for seeking relief through issuance of Writ of Mandamus. As the petitioner school has made out a case for invoking



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the extraordinary powers of this Court under Article 226 of the Constitution of India, the respondents are required to be given with a direction to consider the representation of the petitioner school within a specified time frame.

6. In the light of the above observations, this writ petition is **disposed of** and the respondents are directed to consider the petitioner's representation, dated 18.07.2024 on its own merits and pass appropriate orders in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim made by the petitioner and that it is open to the concerned respondent to consider the same on its own merits. No costs.

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Index : Yes / No
Internet : Yes / No
NCC : Yes / No

RM



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R.N.MANJULA, J.

RM

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