

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.33671 of 2016

B.Indra

... Petitioner

vs.

The Commissioner,
Tambaram Municipality,
Chennai-59.

... Respondent

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondent to consider and pass appropriate orders on the representation dated 06.09.2016 regarding for payment of Death cum retirement her husband 1. Earned Leave Encashment 2. Provident Fund 3. Special Provident Fund 4. Family Benefit fund 5. Insurance Amount and to the petitioner within reasonable time as per service Rules.

For Petitioner :Mr.A.Baskaran

For Respondent :Mr.C.Jagadeesh,
Spl. Govt. Pleader

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondent to consider and pass appropriate orders on her representation dated 6.9.2016 regarding payment of Death cum retirement benefits of her

husband viz., Earned Leave Encashment, Provident Fund, Special Provident Fund, Family Benefit fund and Insurance Amount to her within reasonable time as per service Rules.

3. It is the case of the petitioner that her husband R.Bakthavatchalam was appointed as Sanitary Worker on 13.11.1998 in the respondent municipality and subsequently, his service was regularized from 23.3.2006 by bringing him into the regular time scale of pay of Rs.2,500-55-2660-60-3220/-. While in service, her husband died on 15.3.2011 in a road accident, leaving the petitioner and his two daughters as his legal heirs. Thereafter, the petitioner was given compassionate appointment and she was working in Anakaputhur Municipality. However, the death cum retirement benefits of her husband were not given to her. In this regard, she sent a representation dated 6.9.2016 to the respondent. Since the same was not considered so far, the petitioner has come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioner and the learned Special Government Pleader, who has taken notice on behalf of the respondent.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the petitioner to send a copy representation dated 6.9.2016 along with a copy of this order to the respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the respondent is directed to consider the said representation seeking payment of Death cum retirement benefits of her husband viz., Earned Leave Encashment, Provident Fund, Special Provident Fund, Family Benefit fund and Insurance Amount and pass appropriate orders, on merits and in accordance with law, within a period of four weeks thereafter. It is made clear that this Court has not expressed any opinion with regard to the claim projected by the petitioner and it is for the respondent to consider the claim of the petitioner strictly on merits and in accordance with law. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

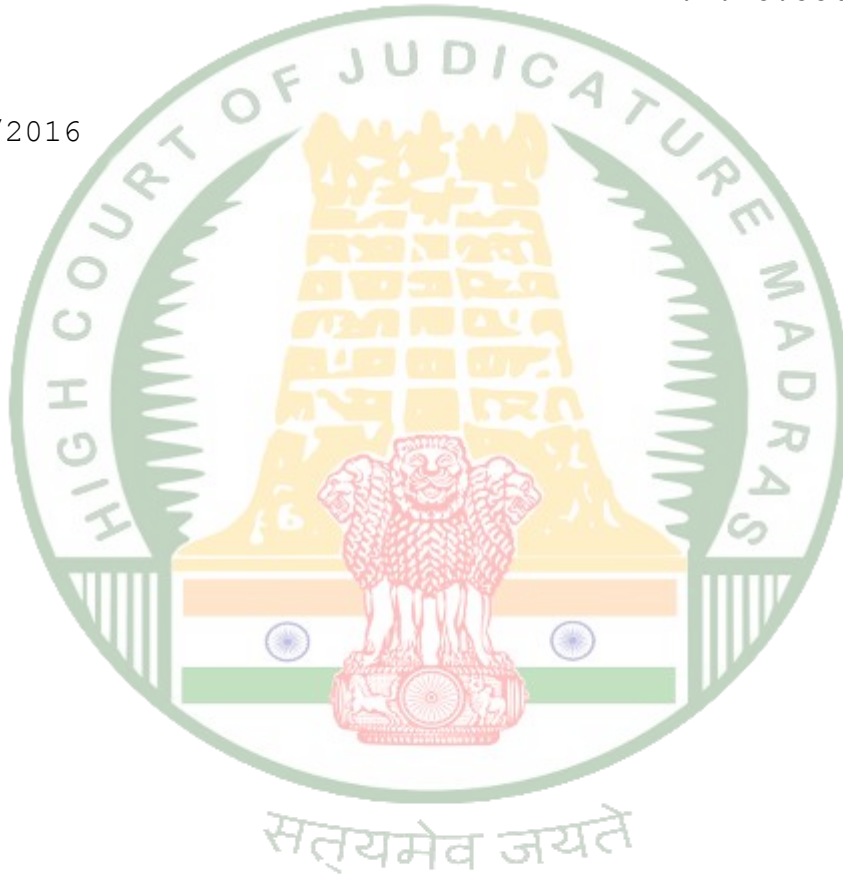
To

The Commissioner,
Tambaram Municipality,
Chennai-59.

+lcc to Mr.A.Baskaran, Advocate Sr.56248
+lcc to the Government Pleader sr.55388

W.P.No.33671 of 2016

vd[co]
srg 13/10/2016



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