



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2016

CORAM

THE HONOURABLE **MR. JUSTICE T. RAJA**

W.P(MD) .No.11805 of 2016

R.Ragunath

... Petitioner

Vs.

1.The Secretary to Government,
Labour & Employment Department,
Secretariat, Chennai-600 009.

2.The Commissioner of Labour,
DMS Complex, Thenampet,
Chennai-600 006.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the first and second respondents i.e. Secretary to Government, Labour & Employment Department, Chennai and Commissioner of Labour, Chennai to pass appropriate orders on the representation, dated 19.03.2016, of the petitioner regarding release of the DCRG amount of Rs.3,03,927/- unjustly withheld after sanction by the Accountant General, Chennai and after specific instructions of the Government.

For petitioner : Mr.S.Visvalingam

For respondents : Mr.M.Rajarajan

Government Advocate

ORDER

The petitioner was placed under suspension on 11.11.2005 due to grave charges committed by him. The petitioner also accepted the same and subsequently, 'compulsory retirement' order was passed against him on 26.07.2010. The period of suspension between 11.11.2005 and 26.07.2010 was treated as leave, to which, the petitioner is eligible as per G.O.(D).No.450, Labour and Employment Department, dated 23.08.2013. Pursuant to which, the Accountant General, Chennai, passed orders sanctioning a final pension of Rs.13,706/-, DCRG of Rs.4,79,445/- was done on



2. The grievance of the petitioner is that though the first respondent has specifically directed the second respondent to send proposals for writing off the excess payment of subsistence allowance to the petitioner as per Rules 54(v), 54(A), 2(ii) & 54 (B) and (7) of the Fundamental Rules, the second respondent has failed to do so citing a memo dated 03.02.2016 wherein, it was stated that excess payment was made, while the petitioner was in service. Hence, the petitioner is before this Court.

3. Learned counsel for the petitioner submitted that since the reason attributed by learned Counsel for the respondents is not valid in the eye of law, the petitioner has sent a representation on 19.3.2016 to release the DCRG amount. Since the same has not been considered, the petitioner has prayed for the issuance of a Writ of Mandamus directing the first and second respondents to pass appropriate orders on the representation of the petitioner, dated 19.03.2016, regarding release of DCRG amount of Rs.3,03,927/-.

4. Learned Government Advocate was put on notice for the respondents.

5. In view of the limited prayer sought for, the respondents are directed to consider the representation of the petitioner dated 19.03.2016, on merits and in accordance with law and pass appropriate orders, within a period of six weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition stands allowed. No costs.

Sd/-

Assistant Registrar(W)

/True copy/

Sub Assistant Registrar

To

1.The Secretary to Government,
Labour & Employment Department, Secretariat, Chennai-600 009.

2.The Commissioner of Labour,
DMS Complex, Thenampet, Chennai-600 006.

+1 cc to The Special Government Pleader in SR.No. 34900
+1 cc to M/s.S.Visvalingam, Advocate in SR.No.34642

ssm

CSL/ARK-PV/SAR-I/13.07.2016 : 2p/5c

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