

In the High Court of Judicature at Madras

Dated : 19.4.2017

Coram :

The Honourable Mr.Justice NOOTY.RAMAMOHANA RAO

and

The Honourable Mr.Justice S.M.SUBRAMANIAM

W.P.No.8778 of 2017

M.Nehru

...Petitioner

Vs

1.The Principal District Judge,
Villupuram.

2.The Subordinate Judge, Gingee.

3.Indira Nehru

...Respondents

PETITION under Article 226 of The Constitution of India praying for issuance of Writ of Mandamus directing respondents 1 and 2 to make the payment of arrears of terminal benefits to the petitioner as per order A.No. 276/2015 dated 27.2.2017 issued by the first respondent together with interest within a specified period.

For Petitioner : Mr.V.Bhiman
For Respondents 1 & 2 : Mr.M.Baskar

Order of the Court was made by NOOTY.RAMAMOHANA RAO,J

This is the second occasion the petitioner has approached this Court

seeking virtually the same relief of settlement of his terminal benefits.

2. We do not wish to go into details of the facts leading to this case. Suffice it to notice that pursuant to the order passed on the earlier occasion by this Court in W.P.No.30443 of 2015 dated 1.9.2016, the learned Principal District Judge, Villupuram has initiated necessary action for settling the terminal benefits payable to the petitioner, which are otherwise incapable of being attached even in accordance with and in terms of Section 60 of the Civil Procedure Code. Therefore, steps are already taken for settling the death cum retirement gratuity, general provident fund and pension. The Accountant General has been addressed to revalidate the orders, so that bills can be presented to the Sub-Treasury and the retiral benefits can be settled. However, encashment of earned leave of 240 days and encashment of 90 days of unearned leave have been held back as lien amounts due to some disputes between the writ petitioner on the one hand and his spouse on the other hand, as it appears that the writ petitioner has not been paying the maintenance charges to his spouse.

3. That would be a different cause of action, for which, appropriate and separate proceedings have to be initiated by the writ petitioner. We hope and trust that all other payable retirement benefits of the petitioner

would be settled and paid latest by 30.6.2017. All other disputes amongst the parties particularly between the writ petitioner on the one hand and the third respondent - wife on the other hand are kept open and the present order will not come in the way of the parties to work out their respective rights/ remedies.

4. With the above observations, the writ petition is disposed of. No costs.

19.4.2017

Internet : Yes

To

- 1.The Principal District Judge, Villupuram.
- 2.The Subordinate Judge, Gingee.

RS

NOOTY.RAMAMOohana RAO,J
AND
S.M.SUBRAMANIAM,J
RS

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