

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.11.2017

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.28876 of 2017 and WMP.No.31090/2017

N.Sivanarul @ Vasantha

...Petitioner

Versus

1. District Collector and Chairman,  
House Building Advance Committee,  
Kancheepuram District, Kancheepuram.

2. Block Medical Officer,  
Government Primary Health Centre,  
Sadurangapattinam,  
Kancheepuram District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1<sup>st</sup> respondent herein to forthwith sanction refund of Rs.39,882/- deducted in excess from Gratuity to the petitioner herein based on the proposal of the 2<sup>nd</sup> respondent herein in Na.Ka.No.525/Aa-2/2012 dated 21.09.2012 and pay the same with interest at the rate of 12% w.e.f. 26.02.2007.

For Petitioner : Mr.V.R.Rajasekaran

For Respondents : Mr.R.A.S.Senthilvel,  
Additional Government Pleader

O R D E R

The present Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the 1<sup>st</sup> respondent herein to forthwith sanction refund of Rs.39,882/-, deducted in excess from the Gratuity of the petitioner's husband, based on the proposal of the 2<sup>nd</sup> respondent herein in Na.Ka.No.525/Aa-2/2012 dated 21.09.2012 and pay the same with interest at the rate of 12% w.e.f. 26.02.2007.

2. The case of the petitioner is that she is the wife of late A.Natarajan, who served as a Health Inspector and retired from service on 30.09.2005 and died on 25.11.2011. The further case of the petitioner is that only a sum of Rs.15,470/- was due towards House Loan Account at the time of retirement of her husband. However, a sum of Rs.55,352/- was erroneously deducted instead of Rs.15,470/- towards the House Loan Account from the

Gratuity Amount in respect of the husband of the petitioner which was released on 26.02.2007. Therefore, a sum of Rs.39,882/- which was deducted in excess has to be refunded to the petitioner.

3. Learned Counsel for the petitioner submits that the petitioner has given a representation to the Block Medical Officer, Government Primary Health Centre, Sadurangapattinam, Kancheepuram District, the 2<sup>nd</sup> respondent herein, to refund the excess amount deducted and also for return of the Sale Deed. The 2<sup>nd</sup> respondent herein, on receipt of the same, sent a report dated 21.09.2012 to the 1<sup>st</sup> respondent herein, recommending the refund of a sum of Rs.39,882/- deducted in excess from the Gratuity amount of her husband and also for return of the sale deed. Since the same has not been refunded, the petitioner has submitted a detailed representation dated 29.07.2017 to the District Collector and Chairman, House Building Advance Committee, Kancheepuram District, 1<sup>st</sup> respondent herein. But, there was no response. Hence, the present Writ Petition.

4. Mr.R.A.S.Senthilvel, learned Additional Government Pleader, who takes notice on behalf of the respondents sought three weeks time to consider the representation of the petitioner dated 29.07.2017 along with the recommendation made by the 2<sup>nd</sup> respondent dated 21.09.2012 and to pass appropriate orders.

5. Considering the facts and circumstances of the case and also taking into account the submission of the learned Additional Government Pleader, this Court directs the 1<sup>st</sup> respondent to dispose of the representation of the petitioner dated 29.07.2017 on merit and in accordance with law and also in the light of the recommendation made by the 2<sup>nd</sup> respondent dated 21.09.2012, within a period of three weeks from the date of receipt of a copy of this Order.

6. The Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-  
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

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To

1. District Collector and Chairman,  
House Building Advance Committee,  
Kancheepuram District, Kancheepuram.

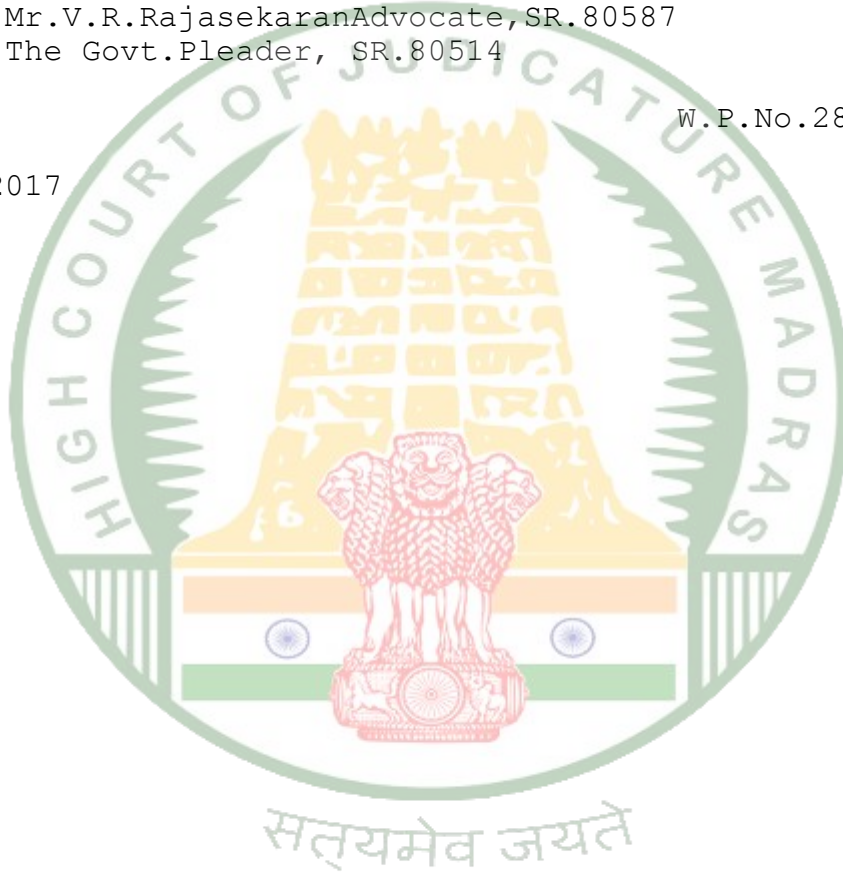
2. Block Medical Officer,  
Government Primary Health Centre,  
Sadurangapattinam,  
Kancheepuram District.

+ 1 cc to Mr.V.R.RajasekaranAdvocate,SR.80587

+ 1 cc to The Govt.Pleader, SR.80514

W.P.No.28876 of 2017

nr 21/12/2017



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