

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.29602 of 2017

M.Kandasamy
Formerly Sanitary Officer,
Salem City Municipal Corporation,
67, R.P.Paul Street,
Arisipalayam, Salem - 636 009 .. Petitioner

-vs-

1. The Commissioner,
Salem City Municipal Corporation,
Salem - 636 007
2. The Assistant Commissioner,
Kondalampatty Ward Officer,
L Salem City Municipal Corporation,
Salem. .. Respondents

Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to pay the death cum retirement benefits as sanctioned in the Order Na.Ka.No.M14/3026/2015 dated 03.04.2017 passed by the 2nd respondent and Na.Ka.B4/9364/201 dated 18.02.2017 passed by Assistant Commissioner (Accounts) Salem Corporation and direct them to pay the arrears of pensionary benefit with DCRG arrears with interest.

For Petitioner :: Mr.A.R.Nixon

For Respondents:: Ms.K.Bhuvaneswari for R1 and R2

ORDER

With consent, the main writ petition itself is taken up for disposal at the admission stage.

2. This writ petition has been filed by the petitioner, retired employee, seeking a direction to the respondents to pay the death cum retirement benefits as sanctioned in the Order Na.Ka.No.M14/3026/2015 dated 03.04.2017 passed by the 2nd respondent and Na.Ka.B4/9364/201 dated 18.02.2017 passed by Assistant Commissioner (Accounts) Salem Corporation and direct them to pay the arrears of pensionary benefit with DCRG arrears with interest.

3. Learned counsel for the petitioner submitted that the petitioner was appointed as Health Assistant at Udhagamandalam Municipality on 17.10.1977 and subsequently, got promoted as

Health Inspector. After rendering a long and continuous service, the petitioner retired from service of the respondents with effect from 31.05.2016. But the respondents have not come forward to disburse the retiral benefits of the petitioner, for which he has submitted representations to the 2nd respondent on 06.01.2017, 30.06.2017 and 26.07.2017. However, the same has not been considered, hence this Writ Petition.

4.Continuing further, learned counsel appearing for the petitioner brought the notice of this Court to the two proceedings dated 18.02.2017 and 03.04.2017 from the Assistant Commissioner(Accounts), Salem Corporation and Assistant Commissioner, Kondalampatty Ward Officer, Salem Corporation respectively, sanctioning some of the retiral benefits, but, till date, the same is also not been paid, therefore, he has sought for a direction to the respondents to consider the same.

5. Ms.K.Bhuvaneswari, learned counsel, takes notice for the respondents and seeks four weeks time to consider the petitioner's representations.

6.Considering the limited relief sought for in this petition and without going into the merits of the matter, this Court hereby directs the respondents to consider the representations made by the petitioner and pass appropriate orders, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

7.With the above direction, the writ petition is disposed of accordingly. No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Commissioner,
Salem City Municipal Corporation,
Salem - 636 007
2. The Assistant Commissioner,
Kondalampatty Ward Officer,
L Salem City Municipal Corporation,
Salem.

+lcc to Mr.A.R.Nixon, Advocate SR.No.82363

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sm:14.12.2017