

IN THE HIGHCOURT OF JUDICATURE AT MADRAS

DATED:17.02.2017

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P.No.22354 of 2016 and
W.M.P.No.28635 of 2016

J.Marshel Kumar

[Petitioner]

Vs

- 1 The District Collector
Otacamund.
- 2 The Block Development Officer
Panchayat Union Otacamund.
- 3 The Joint Director
Local Fund Audit 4th Floor Kuralagam
Chennai-600 108.
- 4 The Commissioner
Panchayat Union Otacamund.

[Respondents]

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking to issue a writ of mandamus directing the second respondent herein to forward the pension proposal of the petitioners mother by name G.A.Regeena Mary (Maternity Assistant) after regularizing the duty of absent period as per the direction given by the first respondent dated 20.04.2016 and consequently direct the third respondent to sanction the retirement benefits and pension within the time frame to be fixed by this Honourable Court.

For Petitioner : Mr.S.P.Sudalaiyandi
For Respondents : Mr.S.Gunasekaran, AGP (R1&3)

O R D E R

Mr.S.P.Sudalaiyandi, learned counsel is present on behalf of the writ petitioner. Mr.S.Gunasekaran, learned Additional Government Pleader is present on behalf of respondents 1 and 3. By consent, the main writ petition itself is taken up for disposal.

2. It is the case of the writ petitioner that his mother one G.A.Rajeena Mary was originally appointed as Maternity Assistant in the Health Department in 1957. The instant writ petition pertains to his request for regularisation of her duty during her period of absence and disbursing the consequent retirement benefits to him. In this regard, the writ petitioner has approached the 1st respondent/District Collector. The District Collector, vide communication dated 20.04.2016, addressed to the Block Development Officer of Otacamund Panchayat Union (2nd respondent herein) has stated that the petitioner's request has to be forwarded to the Joint Director, Local Fund Audit, Chennai (3rd respondent herein) for taking a decision on the matter.

3. The prayer in the writ petition is very simple, limited and innocuous. It only seeks a mandamus to direct the 2nd respondent herein to forward the pension proposal to the 3rd respondent, who in turn will take a decision on the same.

4. Therefore, without expressing any opinion whatsoever/one way or the other, on the merits of the matter, the prayer of the writ petitioner is acceded to.

5. The following order is passed:

"The petitioner's mother's pension proposal shall be forwarded by the 2nd respondent to the 3rd respondent (as mentioned in communication dated 20.04.2016 of the District Collector to the Block Development Officer), within a period of four weeks from the date of receipt of a copy of this order and the 3rd respondent shall take a decision on the same, within a period of four weeks from the date of receipt of the pension proposal, in a manner known to law, after giving an opportunity to all concerned and also communicate the same to the writ petitioner".

The writ petition is disposed of accordingly. No costs.
Connected miscellaneous petition is closed.

s/d-
Assistant Registrar (CS-VI)

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Sub-Assistant Registrar

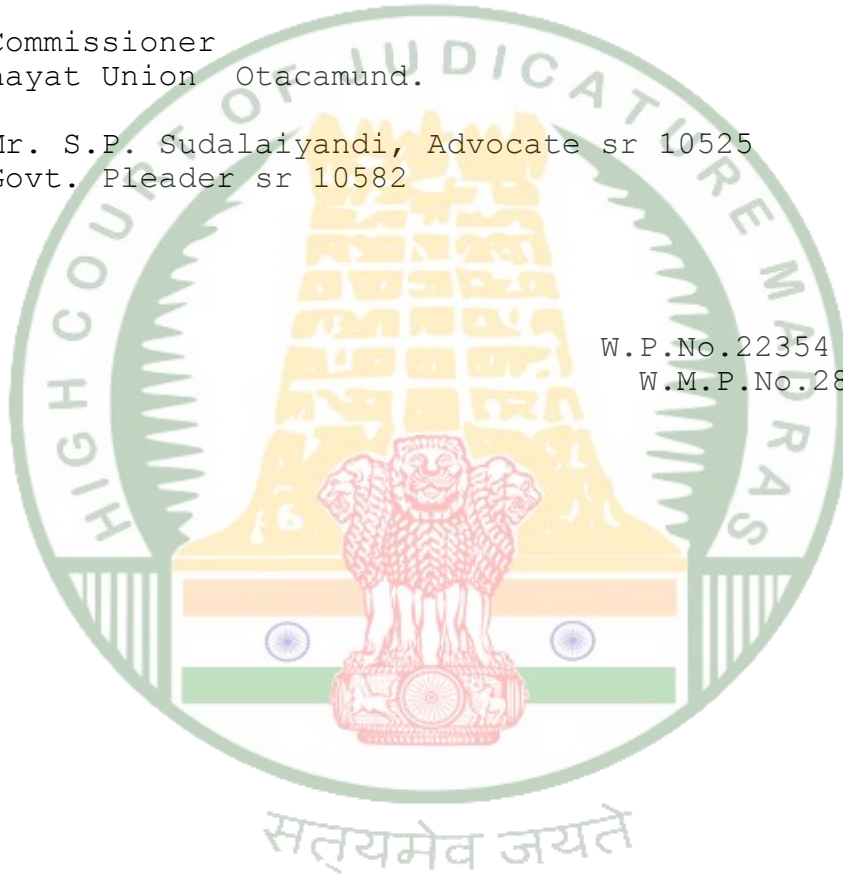
To

- 1 The District Collector
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Panchayat Union Otacamund.
- 3 The Joint Director
Local Fund Audit 4th Floor Kuralagam
Chennai-600 108.
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+1 CC to Mr. S.P. Sudalaiyandi, Advocate sr 10525
+1 CC to Govt. Pleader sr 10582

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VSN(CO)
sp/1/3



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