

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.44641 of 2016

G.Radha

.. Petitioner

Vs

The Chief Executive Officer,
Tamil Nadu Khadi and Village
Industries Board, Kuralagam,
Chennai - 600 108.

.. Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondent to pay all the retirement benefits with interest at the rate of 12% from the date of superannuation till the date of payment to the petitioner.

For Petitioner : Mr.N.Poovanalingam

For Respondent : Mr.S.K.Bose

ORDER

By consent, the writ petition is taken up for final disposal. Mr.S.K.Bose, learned standing counsel accepts notice on behalf of the respondent.

2. The petitioner would state that she retired from the services of the respondent as Khadi Assistant Grade II on 31.05.2011 on attaining the age of superannuation and as per the regular course of practice, she was constrained to give an undertaking in a Non-judicial stamp paper agreeing to recover the amount pending towards department sales done by her during the year 1994 to 1998. The petitioner was issued a Show Cause Notice by the respondent on 21.03.2016 as to why the said recovery should not be recovered within five days from the date of the receipt of the said notice and the petitioner, in response to the said notice, submitted a detailed reply on 24.03.2016 followed by another letter dated 03.10.2016.

3. The learned counsel for the petitioner would submit that the above said undertakings in a non-judicial stamp paper was forcefully obtained and the petitioner has not given her consent and though she has submitted her response to the show cause notice in the form of two replies, no orders have been passed by the respondent and therefore, she has approached

this Court for settlement of retirement and terminal benefits and prays for appropriate orders.

4. Heard the submissions of the learned counsel for the petitioner and Mr.S.K.Bose, learned Government Advocate appearing for the respondent.

5. Though the petitioner has prayed for a larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in his representation or in this writ petition, directs the respondent to consider explanation/reply of the petitioner dated 24.03.2016 & 03.10.2016, on merits and in accordance with law and pass appropriate orders, within a period of eight (8) weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

6. The writ petition stands disposed of with the above direction. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rgr

To
The Chief Executive Officer,
Tamil Nadu Khadi and Village
Industries Board, Kuralagam,
Chennai - 600 108.

+1cc to Mr.N. Poovanalingam, Advocate, S.R.No.288

ssi (CO)
cb(24/01/2017)

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