

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2018

CORAM

THE HON'BLE MR.JUSTICE T.RAJA

W.P.No.2008 of 2018

N.Nesamani

...

Petitioner

Vs.

1.The Commissioner of Police,
Greater Chennai Police,
Veppery, Chennai.

2.The Additional Commissioner of Police (Traffic),
Kilpauk, Chennai. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to consider and pass appropriate orders on her representation dated 09.09.2017 and to settle his monetary/retirement benefits within a reasonable time.

For Petitioner : Mr.S.Sivakumar

For Respondents : Mr. R.P.Prathap Singh,
Government Advocate for R1 and R2

O R D E R

This Writ Petition has been filed seeking a Writ of Mandamus directing the second respondent to consider the petitioner's representation dated 09.09.2017 seeking settlement of monetary/retirement benefits of her husband viz., late Mr.Nallusamy.

2. The learned counsel for the petitioner has submitted that the petitioner is the wife of late Mr.Nallusamy, who suffered an order of compulsory retirement dated 04.03.2008, passed by the second respondent viz., Additional Commissioner of Police (Traffic), Kilpauk, Chennai. The said order of compulsory retirement was passed without prejudice to the criminal case pending against the petitioner in Cr.No.18/1998 on the file of B4, High Court Police Station. The learned counsel

for the petitioner has further submitted that unfortunately, the petitioner's husband died during the pendency of the criminal case, resulting in abatement of the criminal case and therefore, there is no impediment for the respondents to settle the petitioner, terminal benefits of her deceased husband.

3. Mr.R.P.Prathap Singh, learned Government Advocate, who takes notice for the respondents 1 and 2, sought for four weeks time to consider the petitioner's pending representation.

4. The Death Certificate issued by the City Health Officer, Corporation of Chennai dated 16.02.2018 shows that the petitioner's husband passed away on 01.02.2015 and as such, the criminal case pending against the petitioner's husband stood abated, vide order dated 19.03.2015 in C.C.3488 of 2001 passed by the learned VII Metropolitan Magistrate, George Town, Chennai.

5. In the light of the above, this Court directs the respondents to consider the petitioner's pending representation dated 09.09.2017, seeking settlement of retiral/terminal benefits of her husband and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order.

6.This Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS VII)

//True copy//

Sub Assistant Registrar

jvm

To

1.The Commissioner of Police,
Greater Chennai Police,
Veppery, Chennai.

2.The Additional Commissioner of Police (Traffic),
Kilpauk, Chennai.

+lcc to Mr.S.Seiv Kumar, Advocate SR.No.7270
+lcc to Government Pleader SR.No.7467

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GN(14/02/2018)