

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.08.2018
Coram

The Hon'ble Mr.Justice Satrugana Pujahari

Writ Petition No.20336 of 2018

D.Sudhakaran

...Petitioner

Vs.

1. The Chairman,
Chennai Porttrust,
Rajaji Salai, Chennai - 600 001.
2. The Section Officer,
Accounts Department,
Chennai Porttrust,
Rajaji Salai, Chennai - 600 001.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the respondents to dispose of the representation dated 10.06.2018.

For Petitioner : Mr.Raja Kumar
For Respondents : Mr.M.Palanimuthu
Standing Counsel

O R D E R

Heard Mr.Raja Kumar, the learned counsel appearing for the petitioner and Mr.M.Palanimuthu, the learned Standing Counsel, who accepts notice on behalf of the respondents. With consent of the learned counsel on either side, the Writ Petition is taken up for disposal.

2. The grievance of the petitioner, in this Writ Petition is that though he took Voluntary Retirement from Service in the month of September, 2016 and to the said effect, order was passed on 31.12.2016, but the legitimate dues accruing to him out of such voluntary retirement, has not been released in his favor. The petitioner, in this regard, though has made a representation on 10.06.2018, the same has not been attended to by the first respondent. Hence, he has come to this Court seeking a writ of mandamus directing the respondents to dispose of his representation within a stipulated time.

3 The learned counsel appearing for the petitioner would submit that inspite of the petitioner taking voluntary

retirement two years ago, his legitimate dues which has accrued to him has not been released, though representation also has been made in this regard, and as such, the first respondent being guilty of inaction, a writ of mandamus in this regard be issued, as prayed for.

4. The learned Standing Counsel for the respondents submits that in this Writ Petition no proof has been furnished that the petitioner has made such representation, therefore, this Writ Petition is without any substance and liable to be dismissed. Even assuming without admitting that such representation has been given on 10.06.2018, the first respondent cannot be said to be guilty of inaction, as the same is required to be disposed of within a reasonable period and the representation is recent one. However, he submits that, if such representation is filed, the first respondent shall consider the same within the reasonable period and release all the retiral benefits of the petitioner, if any, to which he is legally entitled to.

5. Considering the aforesaid facts and the submissions made, this Court disposes of this Writ Petition at the stage of admission with a direction to the first respondent to take an informed and considered decision on the representation of the petitioner, if the same is pending for release of the legitimate dues, to which, the petitioner is legally entitled to in accordance with law within a period of eight weeks from the date of receipt of the copy of this order. However, as stated by the learned Standing Counsel for the respondents, if no such representation has been filed, the petitioner shall file a fresh representation along with the copy of this order to the first respondent within a period of three weeks from the date of receipt of a copy of this order, and the first respondent shall dispose of the same within a period of five weeks from the date of filing of such representation in its own merit by taking an informed and considered decision on the same.

6. With the aforesaid order the Writ Petition stands disposed of. No Costs.

s/d-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

sd/mrm

To

1. The Chairman,
Chennai Porttrust,
Rajaji Salai, Chennai - 600 001.
2. The Section Officer,
Accounts Department,
Chennai Porttrust,
Rajaji Salai, Chennai - 600 001.

+1 CC to Mr.Raja Kumar, Advocate sr 54190

+1 CC to Mr.M.Palanimuthu, Advocate sr 54209.

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SP(04/09/2018)



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