

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2018

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.30504 of 2016

J.Ravi

...Petitioner

Versus

The Commissioner,  
Corporation of Salem,  
Salem.

... Respondent

Prayer: Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to disburse the terminal benefits of the petitioner's mother K.Rajamani, Administrative Officer (Retired) of the respondent based on the representation of the petitioner dated 30.5.2016.

For Petitioner : Mr.M.Selvam  
For Respondent : Mrs.K.Bhuvaneswari,  
Standing Counsel

O R D E R

The Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondent to disburse the terminal benefits of the petitioner's mother K.Rajamani, Administrative Officer (Retired) of the respondent based on the representation of the petitioner dated 30.5.2016.

2. Learned Counsel appearing for the petitioner submitted that the petitioner's mother late Rajamani while serving as Accounts Officer in the Salem Municipal Corporation suffered a Disciplinary Proceedings on issuance of a Charge Memo dated 16.11.2009 in Na.Ka.No.C2/7726/2009 charging her with certain delinquencies. The said Charge Memo was served on her on 30.11.2014 along with a relieving order. The respondent also permitted his mother to retire on 30.11.2009 by his Proceedings in Na.Ka.No.C2/7726/2009 without prejudice to the disciplinary proceedings pending against her.

3. The learned Counsel for the petitioner further submitted that when the petitioner's mother was facing departmental proceedings, she died on 25.04.2015 without getting terminal benefits leaving the petitioner and her two other sons as her Legal Heirs. As the petitioner's mother died during enquiry, the entire departmental proceedings initiated against her also stand abated. In spite of the above legal position, the respondent till date

has not come forward to settle her retirement benefits. In this regard, the petitioner has given a representation dated 30.5.2016 to the respondent to disburse his mother's terminal benefits. Since there has been no action for the same, the petitioner is before this Court with this Writ Petition.

4. A detailed counter affidavit has been filed by the respondent.

5. The learned Standing Counsel appearing for the respondent submitted that when the Charge Memo containing nine charges was issued, one of the charges shows that there was an Audit Objection for a sum of Rs.4,12,11,999.20 paise along with Long Pending Tax amounting to the tune of Rs.2,28,264/-. In any event, since the petitioner's mother died while facing departmental proceedings and that proceedings also stood abated, subsequently, a sum of Rs.88,603/- was paid to the petitioner on 17.3.2015. This apart, as per Proceedings dated 30.11.2009, the subsistence allowance of Rs.5175/- p.m. was also issued from 01.12.2009 till her death. The learned Standing Counsel further submitted that if the petitioner got any other claim, his representation would be considered and sought for two weeks time to get instructions in this regard.

6. This Court instead of giving time to the learned Standing Counsel for the respondent to get instructions, directs the respondent to consider the representation of the petitioner dated 30.5.2016 and to dispose of the same on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this Order.

7. The Writ Petition is disposed of accordingly. No costs.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS )

//True Copy//

Sub Assistant Registrar

To

The Commissioner,  
Corporation of Salem,  
Salem.

+1cc to Mr.M.Selvam , Advocate SR.No. 85030

W.P.No.30504 of 2016

A. SK (22/01/2019)