

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2018

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.24452 of 2006

A.Murugan

... Petitioner

Vs.

1. Director of
Public Health and Preventive Medicine,
D.M.S.Campus
Chennai – 6.

2. Deputy Director Health Service,
Kovilpatti,
Tuticorin District.

3. Medical Officer,
Government Primary Health Center,
Villichery,
Kovilpatti Taluk
Tuticorin District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to sanction the Traveling Allowance Bills claimed by the petitioner from the year 2000 onwards and sanction the same as per rules and in terms of G.O.Ms.No.410 Finance (A) dated 29.04.80 with interest for the belated payment.

For Petitioner : Ms.V.Deva Priya
for M/s.R.Rengaramanujam
For Respondents : Mr.K.Ravikumar
Additional Government Pleader

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the first respondent to sanction the Traveling Allowance Bills claimed by the petitioner from the year 2000 onwards and to sanction the same as per the Rules and in terms of G.O.Ms.No.410, Finance (Allowances – I) Department, dated 29.04.1980 with interest for the belated payment.

2.The case of the petitioner is that the petitioner was appointed as Male Nursing Assistant and he joined the duty on 03.07.1992 and was promoted as Driver and he is working as Driver from 31.03.1999. Whiles, the Union representing the petitioner had made specific allegations against the respondents 2 and 3 and addressed a letter dated 10.06.2005 to the first respondent. The District Union also addressed a letter dated 19.06.2005 in this regard to the first respondent. Only thereafter, action was taken by the second respondent to settle the petitioner's travelling allowance. Though the travelling allowance bills due to the other employees were settled up to

the year 2005, the petitioner's claim of travelling allowance was paid reducing the claim amount to more than 50% which is in gross violation to the Government instructions in G.O.Ms.No.410, Finance (Allowances – I) Department, dated 29.04.1980.

3.The petitioner would further state that the first respondent had conducted enquiry on the allegations made by the Union against the respondents 2 and 3 through Additional Director on 09.09.2005 and even thereafter no action was taken to reimburse the travelling allowance bill amount to the petitioner. The petitioner in this regard, has also made representation dated 07.03.2006 to the first respondent and since no action was taken, has come forward with this writ petition.

4.The learned counsel appearing for the petitioner would submit that after filing of this writ petition, the petitioner has died. However, she is not able to contact the legal heirs of the petitioner. The learned counsel would further submit that since the writ petition is pending before this Court for nearly twelve years, suitable direction may be issued to the respondents to pass orders on the petitioner's representation dated 07.03.2006 within a reasonable time so that the

legal heirs of the petitioner may receive some amount due to the petitioner.

5.The learned Additional Government Pleader fairly conceded to the limited request made by the learned counsel appearing for the petitioner.

6.In view of the limited prayer now made by the learned counsel appearing for the petitioner and to meet the ends of justice, this Court is inclined to issue direction to the respondents. Accordingly, the first respondent is directed to pass appropriate orders on the petitioner's representation dated 07.03.2006 within a period of six weeks from the date of receipt of a copy of this order and communicate the same to the legal heirs of the petitioner.

7.The writ petition is accordingly disposed of. No costs.

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12.06.2018

Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

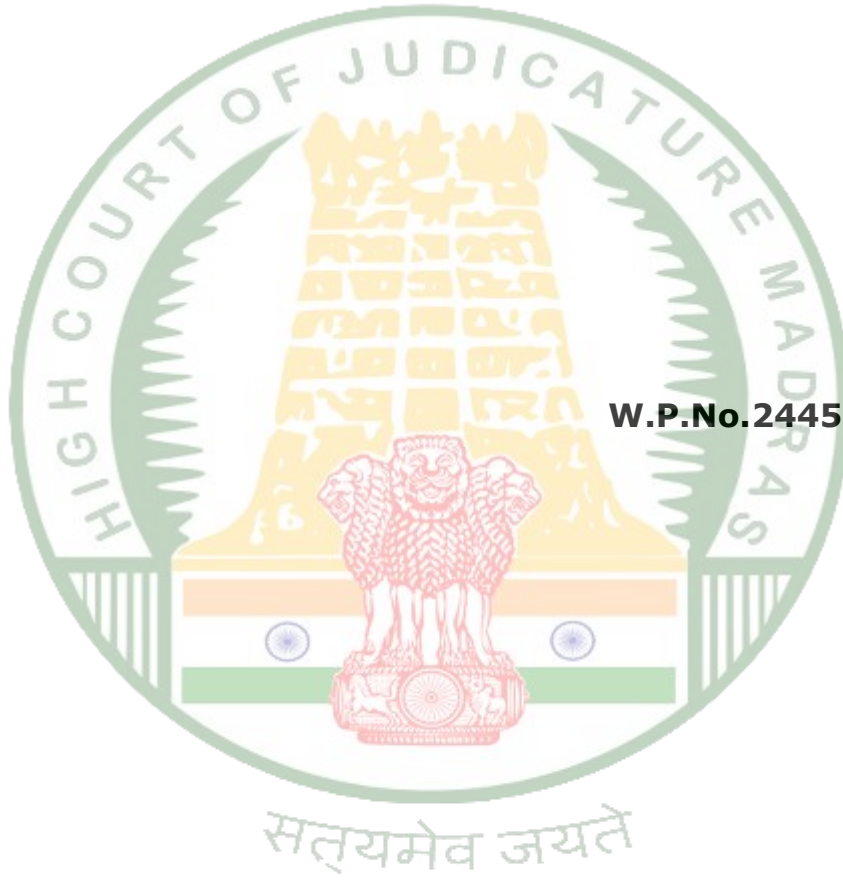
To

- 1.The Director of
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- 2.The Deputy Director Health Service,
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- 3.The Medical Officer,
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M.DHANDAPANI,J.
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