

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2018

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.29441 of 2018

1.V.Ramani

2.V.Prabhakaran

3.R.Priya

....Petitioners

Vs

1.The Assistant Director of Local Fund Audit
Office of the Combined Judicial Department
4th Floor, Nandanam, Chennai - 600 035.

2.The Commissioner

Mettupalayam Municipality,

Mettupalayam

....Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents to dispose of the petitioners' representation dated 04.12.2017.

For Petitioners: M/s.S.Ilamvaludhi

For Respondent : Mr.R.S.Selvam,
Government Advocate for R1

Mr.T.M.Pappiah - for R2

O R D E R

The petitioners 1 to 3 are the legal representatives of the deceased Lakshmi. She was serving as sanitary worker in the office of the second respondent Mettupalayam Municipality. After the death of the petitioners' mother, the petitioners approached the second respondent for the disbursement of Death Cum Retirement Gratuity (hereinafter referred to as D.C.R.G) and other pensionary benefits. As there was no response, they have given a written representation to the first respondent on 04.12.2017. Thereafter, certain particulars as demanded by the second respondent have also been furnished by the petitioners. However, till date the D.C.R.G and other pensionary benefits of the deceased Lakshmi has not yet been disbursed to the legal representatives / the petitioners, which has made the petitioners to file the present writ petition.

2. By virtue of G.O.Ms.No.122 Finance (Pension) Department dated 20.02.1995, the D.C.R.G, if not paid in time, has to be disbursed with interest. Despite this provision, the second respondent has not taken any action to disburse the pensionary

benefits to the legal representatives of the deceased Lakshmi. Under the circumstances, learned counsel for the petitioners seeks direction to the respondents to dispose of the representation dated 04.12.2017 within a time frame fixed by this court.

3. Mr.R.S.Selvam, learned Government Advocate takes notice on behalf of the first respondent and Mr.T.M.Pappiah, learned counsel takes notice on behalf of the second respondent.

4. Considering the limited scope of the prayer, the first respondent is directed to consider the representation of the petitioners dated 04.12.2017 and to pass orders in accordance with law within a period of four weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kst

To

1.The Assistant Director of Local Fund Audit
Office of the Combined Judicial Department
4th Floor, Nandanam, Chennai - 600 035.

2.The Commissioner
Mettupalayam Municipality, Mettupalayam

+1cc to Mr.S.Ilamvaludhi, Advocate, S.R.No.76937

+1cc to the Government Pleader, S.R.No.77446

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SSV(CO)

rrs 19/12/2018

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