

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.10.2018

Coram

The Hon'ble Mr.Justice Satrughana Pujahari

Writ Petition No.28359 of 2018

P.Chelladurai

...Petitioner

Vs.

1.The Secretary to Government of Tamilnadu,
Municipal Administration and Water supply Department,
Fort St. George, Chennai-600 009.

2.The Commissioner,
Municipal Administration and Water
Supply Department,
Chepauk, Chennai-600 005

3.The Commissioner,
Mettur Municipality,
Mettur Dam, Salem District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the third respondent to disburse the unearned leave benefits of the petitioner's wife Smt.Kannammal, as referred in order of the third respondent dated 27.08.2017 in Na.Ka.No.2619/2017/H1, pursuant to the representation of the petitioner dated 11.08.2018.

For Petitioner : Mr.S.Periasamy

For Respondents : Mr.V.Kadhirvelu, Spl.G.P.

ORDER

Heard Mr.S.Periasamy, the learned counsel appearing for the petitioner and Mr.V.Kadhirvelu, learned Special Government Pleader, who accepts notice on behalf of the respondents. With the consent of the learned counsel on either side, the Writ Petition is taken up for disposal.

2.The grievance of the petitioner is that though, on the death of his wife, an employee under the third respondent, an order has been passed by the third respondent/ Mettur

Municipality Commissioner, Mettur Dam-1 on 27.08.2017, sanctioning the Un-Earned Leave Salary on Private affairs, but no bill has been raised and the amount has not been drawn and paid to the petitioner. Hence, the petitioner has come to this Court as seeking direction to draw the bill and release the amount in favour of him as he is entitled to the same on the death of his wife in harness.

3.The learned counsel for the petitioner submits that in view of the aforesaid, the third respondent is guilty of inaction in not drawing the bill and making payment thereof to the petitioner.

4.The learned Special Government Pleader appearing for the respondents submits that he has no instructions whether the petitioner is entitled to the same and as such, case be adjourned to file the reply affidavit.

5.However, considering the submissions made by the learned counsel on either side and the nature of relief sought for, this Court is of the view that no useful purpose is going to be served by seeking reply affidavit from the respondents inasmuch as the petitioner has only come to this Court seeking a direction to the third respondent to disburse the unearned leave benefits of his wife Smt.Kannammal, who was working as a Sanitary worker of the third respondent and he stated to have received the terminal benefit of his deceased wife except the amount of Un-Earned Leave. Hence, this writ petition is disposed of without seeking any reply affidavit with a direction to the third respondent to draw the amount and pay the same to the petitioner, if he is entitled to the same and there is no rival claim, within a period of six weeks from the date of receipt of a copy of this order, if there is no legal impediment in this regard. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Government of Tamilnadu,
Municipal Administration and Water supply Department,
Fort St. George, Chennai-600 009.

2.The Commissioner,
Municipal Administration and Water
Supply Department,
Chepauk, Chennai-600 005

3.The Commissioner,
Mettur Municipality,
Mettur Dam, Salem District.

+1 cc to M/s.S.Periasamy, Advocate Sr.No.73829
+1 cc to The Government Pleader, Sr.No.74366

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KJ(CO)
CSL/27.11.2018