



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.22057 of 2017

S.Fatima

... Petitioner

Vs.

1. The Joint Director (Administration),
Social Welfare Department,
Nearby SIDCO,
Guindy, Chennai.
2. The District Collector,
District Collectorate Office Premises,
Trichy, Trichy District.
3. The District Social Welfare Officer,
District Social Welfare Office,
District Collectorate Premises,
Trichy, Trichy District.

... Respondents

Prayer : This writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to disburse the gratuity amount to the petitioner along with interest at the rate of 12% per annum from the date of her retirement.

For Petitioner : Mr.R.Pandi Maharaja
For Respondents : Mr.A.K.Baskarapandian, Spl.G.P.

O R D E R

The petitioner is a retired employee of Social Welfare Department. She had guaranteed the loan availed by another serving employee. Because the petitioner had executed a deed of guarantee, gratuity amount payable to the writ petitioner is being withheld.

2.This Court is clearly of the view that such an act of withholding is illegal. It is not the case of the respondents that the co-operative society which advanced the loan had obtained any garnishee order against the writ petitioner. In the absence of any order attaching the petitioner's gratuity amount, the respondents are not justified in withholding the same.



3. Therefore, the respondents are directed to disburse the gratuity amount payable to the writ petitioner within a period of 8 weeks from the date of receipt of a copy of this order.

4. This writ petition is allowed as indicated above. No costs.

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Joint Director (Administration),
Social Welfare Department,
Nearby SIDCO,
Guindy, Chennai.
2. The District Collector,
District Collectorate Office Premises,
Trichy, Trichy District.
3. The District Social Welfare Officer,
District Social Welfare Office,
District Collectorate Premises,
Trichy, Trichy District.

+ 1 CC TO Mr.R.PANDI MAHARAJA, ADVOCATE IN SR No. 46510
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 46169

ARUL

TE/MR/SAR-4 : 15/02/2018 : 2P/6C

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