

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :15.02.2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.4375 of 2019

Mrs.Indira Dhamodaran

..Petitioner

-Vs-

1. The Secretary to the Government of Tamilnadu
Public Works Department
Fort St.George, Secretariat
Chennai - 600 009
2. The Principal Chief Engineer(WRO)Department and
the Chief Engineer(General),
Public Works Department
Chepauk, Chennai - 600 005
3. The Chief Engineer,
Public Works Department(Buildings)
Trichy Zone, Trichy-1.
4. The Superintendent Engineer,
Special Buildings circle,
Public Works Department
Erode.
5. The Executive Engineer,
Public Works Department
Buildings(Construction and Maintenance Division
Erode - 638 011
6. The Executive Engineer,
Public Works Department
Buildings Division II
Dindukul.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent, The Secretary to Government of

Tamilnadu Public Works Department, to consider the Representation of the petitioner, seeking modification of the punishment of the removal from service of her husband to that of Compulsory retirement enabling to pay her the retirement benefits including the pensionary benefits of her husband.

For Petitioner : Mr.R.Ramachandran

For Respondents : Mr.D.Suriya Narayanan
Additional Government Pleader

O R D E R

The relief sought for in the present writ petition is for a direction to direct the 1st respondent, The Secretary to Government of Tamilnadu Public Works Department, to consider the Representation of the petitioner, seeking modification of the punishment of the removal from service of her husband to that of Compulsory retirement enabling to pay her the retirement benefits including the pensionary benefits of her husband.

2.The writ petitioner, who is the wife of Late.Mr.V.Dhamodaran, filed the present writ petition seeking modification of the punishment imposed. The husband of the writ petitioner was removed from service for the proven misconduct of unauthorized absence and the learned counsel for the writ petitioner states that the order of punishment was issued without following the procedures as contemplated under the rules.

3.On account of the sudden demise of the husband of the writ petitioner, the family is in penurious circumstances and the allegation against the husband of the writ petitioner was only unauthorized absence and no other misconduct or any other thing.

4.Under these circumstances, the writ petitioner submitted a representation to the 1st respondent on 08.08.2018 for modifying the punishment and the said representation is yet to be considered.

5. Thus, without going into the merits of the matter, the 1st respondent is directed to consider the representation submitted by the writ petitioner on 08.08.2018 and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. The writ petitioner is also directed to enclose the copy of the representation and all other relevant orders and documents along with the order passed in the present writ petition.

6. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to the Government of Tamilnadu
Public Works Department
Fort St. George, Secretariat
Chennai - 600 009
2. The Principal Chief Engineer (WRO) Department and
the Chief Engineer (General),
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Dindukul.

+1cc to M/s. Ramachandran, Advocate, S.R.No.15020
+1cc to the Government Pleader, S.R.No.14589

W.P.No.4375 of 2019

Kak (14/03/2019)