

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2019

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.16960 of 2019

B.Shanthy

...Petitioner

vs.

The Chief Engineer (Agricultural Engineering)
Nandanam, Chennai - 600 035.

...Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India, seeking for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the respondent in No.Pa.A.1/15647/2016 dated 28.03.2019 and quash the same and direct the respondent to pay to the petitioner the Additional Charge Allowance for the duty discharged by her husband late Mr.S.Dasaratharaman as Executive Engineer (Additional Charge), Nagapattinam from 05.07.2012 to 30.04.2015.

For Petitioner : Mr.P.Rajendran

For Respondent : Mr.R.S.Selvam
Government Advocate

ORDER

The Writ Petition has been filed by the petitioner to quash the impugned order passed by the respondent in No.Pa.A.1/15647/2016 dated 28.03.2019 and direct the respondent to pay to the petitioner the Additional Charge Allowance for the duty discharged by her husband late Mr.S.Dasaratharaman as Executive Engineer (Additional Charge), Nagapattinam from 05.07.2012 to 30.04.2015.

2.The case of the petitioner is that the petitioner is the wife of one S.Dasaratharaman who was working as Assistant Engineer (Agricultural Engineering), Mayiladuthurai and retired from the service as Assistant Executive Engineer and subsequently, he passed away. Thereafter, the petitioner/wife made an application on 18.02.2019 for the Additional charge allowance for the duty discharged by her husband as Executive Engineer (Additional Charge), Nagapattinam from 05.07.2012 to 30.04.2015 and the said application was returned on the ground

that no proof for the incharge of the said post held by your husband was not annexed with the documents. Challenging the said impugned order, the petitioner filed a Writ Petition before this Court.

3.The learned counsel appearing for the petitioner would submit that the petitioner is a widow and she did not possess any document. All the documents are very well available only with the Authority concerned. Instead of perusing the documents, rejecting the petitioner's application is unsustainable one.

4.The learned Government Advocate appearing for the respondent would submit that in para 8 of the counter affidavit stated that the Government has been addressed by the Chief Engineer (Agricultural Engineering) vide letter dated 19.07.2019 requesting clarification to sanction additional charge allowance to the wife of the deceased Government Servant i.e., the petitioner though the above certificates are not furnished by the deceased Government Servant. The clarification of the Government is awaited.

5.Considering the facts and circumstances and in view of the above counter affidavit, I am inclined to issue direction to direct the respondent to forward the relevant particulars to the Government to enable the Government to pass appropriate orders. The said exercise shall be completed within a period of 12 weeks from the date of receipt of a copy of this order.

6.With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

pam

To

The Chief Engineer (Agricultural Engineering)
Nandanam, Chennai - 600 035.

+1cc to Mr.R.Rajendran, Advocate SR.87306

+1cc to the Government Pleader SR.87354

W.P.No.16960 of 2019

PVS (CO)
CB(04/12/2019)