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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.16998 of 2019

Mrs.G.Varalakshmi

... Petitioner

vs.

1. The Officer,
Senior quality Assurance Estt (GS),
Pazhavanthangal, Chennai -114.
2. The Officer,
Tent and Wing, Ordinary Clothing Factory,
Avadi, Chennai - 54.

3. Mr.Veluchamy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to consider the representation by restraining to pay the retirement benefits to the 3rd respondent, till the 3rd respondent discharges the entire E.P. Claim amount to the petitioner based on the representation dated 29.03.2019.

For Petitioner : Mr.S.Ramachandran

For Respondents : No appearance

ORDER

This writ petition has been filed for issuance of a writ of mandamus directing the first and second respondents to consider the representation made by the petitioner and to restrain them from settling the retirement benefits to the 3rd respondent till the amount due and payable to the petitioner is discharged pursuant to the orders passed in the execution petition.



2. The petitioner had filed a suit against the 3rd respondent and a decree was also passed in her favour. She filed an execution petition in E.P.No.627 of 2017 before the IX Assistant City Civil Court, Chennai for recovery of Rs.5,70,355/- (Rupees Five Lakhs Seventy thousand Three hundred and Fifty Five only) by way of attachment of salary by issuing a pro-order to the garnishee namely the second respondent. It is the further case of the petitioner that only Rs.2,20,000/- (Rupees Two lakhs Twenty thousand only) was recovered and the balance of Rs.3,50,335/- (Three lakhs Fifty thousand three hundred and thirty five only) is yet to be recovered from the salary of the 3rd respondent. In the meantime, the 3rd respondent had retired from service on 31.03.2019.

3. The petitioner had made a representation dated 29.03.2019 to the second respondent requesting him not to settle the retirement benefits to the 3rd respondent. Since the same has not been considered, the present writ petition has been filed before this Court.

4. Heard the learned counsel for the petitioner.

5. The first and second respondents have been served with notice and their names are also printed in the cause list and there is no representation for the first and second respondents.

6. Taking into consideration, the facts and circumstances of the case and the limited relief that has been sought for in this writ petition, the second respondent is directed to consider the representation made by the petitioner and take appropriate action in accordance with law and pass necessary orders within a period of four(4) weeks from the date of receipt of a copy of this order. The petitioner is directed to give a fresh representation along with the copy of the representation dated 29.03.2019 and also a copy of this order.

With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar



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To:

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1. The Officer,
Senior quality Assurance Estt (GS),
Pazhavanthangal, Chennai -114.
2. The Officer,
Tent and Wing, Ordinary Clothing Factory,
Avadi, Chennai - 54.

+1cc to Mr.S.Ramachandran, Advocate 102378

W.P.No.16998 of 2019

rsi(co)
nr 20/12/2019