

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.18932 of 2019

Francis Silvester

... Petitioner

Vs.

1. The Director,
Directorate of Local Fund Audit,
Integrated Office Complex for
Finance Department,
Nandanam,
Chennai 600 035.
2. The Commissioner of Municipal Administration,
MRC Building,
Pattinappakkam,
Chennai.
3. The District Collector,
Thiruvarur District,
Thiruvarur.
4. The Commissioner,
Municipal Office,
Thiruthuraipoondi,
Thiruvarur District.

... Respondents

Prayer:Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to disburse the pension benefits to the petitioner and 15 days salary payable to the petitioner for the strike period within a stipulated time.

For Petitioner : Ms.S.T.P.Kuilmozhi

For Respondents: Mr.R.S.Selvam for R1 to R3

Government Advocate

Mr.V.Jayaprakash Narayanan for R4

O R D E R

The petitioner has filed this writ petition seeking issuance of a Writ of Mandamus directing the respondents to disburse the pension benefits to the petitioner and 15 days salary payable to the petitioner for the strike period within a stipulated time.

2.Heard the arguments advanced on either side.

3.The case of the petitioner is that while the petitioner was working as Assistant in the Office of the fourth respondent, he submitted his request for voluntary retirement due to his health reasons and the same was accepted by the fourth respondent without prejudice to the recovery if any in future audit. The petitioner was relieved from duty with effect from 31.10.2018 AN, however, the retirement benefits has not yet been paid to him. Hence, he made a representation dated 26.03.2019 to the respondents, however, the same has not yet been considered. Hence this petition.

4.The learned counsel appearing for the petitioner would submit that without going into the merits of the case, it would suffice, if this Court issues direction to the respondents to consider the petitioner's representation dated 26.03.2019 and to pass appropriate orders within a stipulated time frame.

5.The learned Government Advocate would submit that the disbursement of pensionary benefits is half way and the eligible amount will be disbursed in favour of the petitioner.

6.Considering the facts and circumstances of the case, I am inclined to issue direction to the respondents to consider the petitioner's representation dated 26.03.2019, on merits and in accordance with law and pass appropriate orders, within a period of six weeks from the date of receipt of a copy of this order.

7.The writ petition is accordingly disposed of. No costs.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

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To

1.The Director,
Directorate of Local Fund Audit,
Integrated Office Complex for
Finance Department,
Nandanam,
Chennai 600 035.

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2. The Commissioner of Municipal Administration,
MRC Building,
Pattinappakkam,
Chennai.

3. The District Collector,
Thiruvavarur District,
Thiruvavarur.

4. The Commissioner,
Municipal Office,
Thiruthuraiipoondi,
Thiruvavarur District.

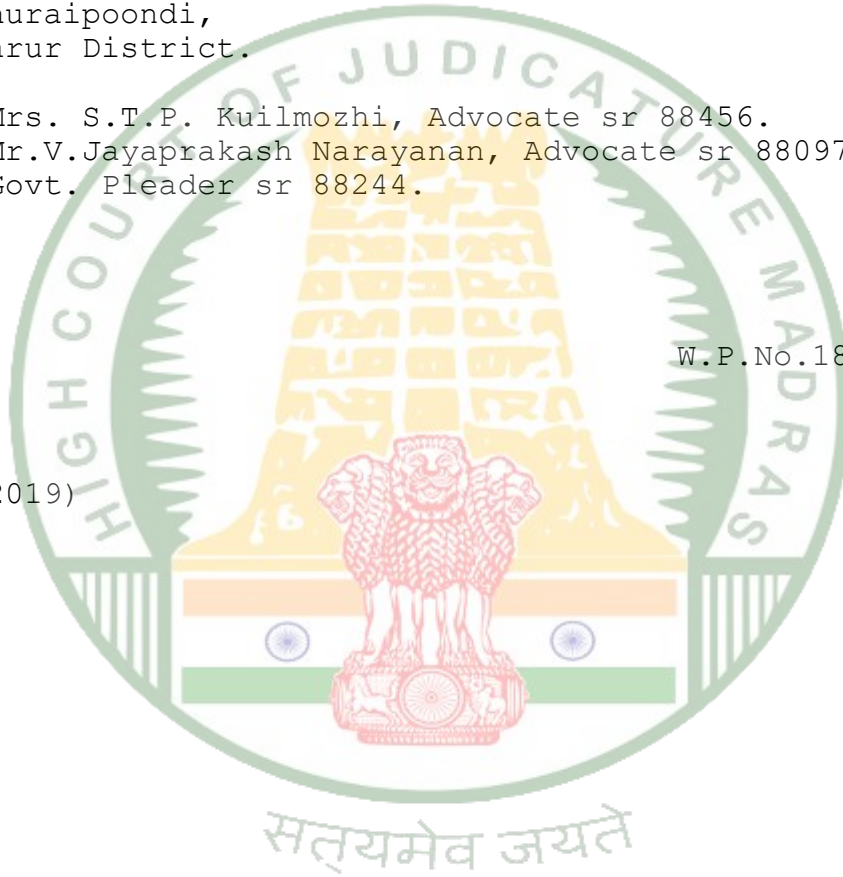
+1 CC to Mrs. S.T.P. Kuilmozhi, Advocate sr 88456.

+1 CC to Mr.V.Jayaprakash Narayanan, Advocate sr 88097

+1 CC to Govt. Pleader sr 88244.

W.P.No.18932 of 2019

SVI (CO)
SP(19/11/2019)



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