

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.30477 of 2019

P.Kamala

... Petitioner

Vs.

1. The Director of Town Panchayats
No.75, Santhome High Road,
7th and 8th Floor, Urban Administrative
Office Campus,
Raja Annamalaipuram
Chennai-28.
2. The Assistant Director of Town Panchayat
Cuddalore, Cuddalore District-607 001. ... Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to pay interest at the rate of 24% per annum on the belated payment of the petitioner's husband's terminal and pensionary benefits i.e Gratuity, arrears of Pension and Family Pension, GPF and Earned Leave and Unearned Leave pursuant to the representations dated 04.10.2018 and 28.08.2019.

For Petitioner : Mr.N.Kulandaivelu

For Respondents : Mr.A.N.Thambi Durai
Special Government Pleader

O R D E R

Writ Petition is filed for issuance of Writ of Mandamus, directing the respondents to pay interest at the rate of 24% per annum on the belated payment of the petitioner's husband's terminal and pensionary benefits i.e Gratuity, arrears of Pension and Family Pension, GPF and Earned Leave and Unearned Leave pursuant to the representations dated 04.10.2018 and 28.08.2019.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents. By consent of both sides, the writ petition is taken up for final disposal at the admission stage itself.

3.The petitioner was working as Executive Officer, Sangarapuram Town Panchayat, Villupuram District. At the verge of the retirement, he was suspended from service on 27.09.2007 following the same he was not permitted to retire from service on 30.09.2007. Thereafter, he died leaving behind his wife / petitioner and son namely, Udayakumar as legal heirs. After the death of the petitioner's husband, the Government passed an order of abatement dropping all the charges against him vide G.O No.96 MAWs (TP4) Department dated 04.03.2014. Thereafter, the petitioner made several representations seeking for payment of Family Pension, Gratuity, GPF, SGPF, leave salary etc. However, the respondent did not settle the said benefits. Therefore, the petitioner filed a writ petition in W.P No.29942 of 2016 before this Court seeking to settle the above said benefits and this Court, by an order dated 29.08.2016 allowed the said writ petition directing the respondents to settle the above said benefits. In spite of the receipt of the above order of this Court, the respondents did not settle the terminal benefits of the petitioner's husband and hence, the petitioner filed a contempt petition No.1410 of 2017 and thereafter, the amount was settled. Only after filing writ petition and contempt petition the respondents have disbursed the terminal benefits of the petitioner's husband. In the above circumstances, the petitioner sent a detailed representations on 04.10.2018, 25.04.2019, 28.05.2019, 18.06.2019 and 28.08.2019 to the respondents seeking to pay interest for the above said belated payments of her husband's terminal and pensionary benefits i.e Gratuity, arrears of Pension and Family Pension, GPF and Earned Leave and Unearned Leave. Till date, the petitioner's representation was not considered. Hence the present writ petition is filed.

4.The learned counsel for the petitioner submitted that it would suffice if a direction is passed to the respondents to consider the representation of the petitioner dated 04.10.2018 and 28.08.2019, within a reasonable time as fixed by this Court.

5.The learned counsel appearing for the respondents accede to the submission made by the learned counsel for the petitioner and submitted that if any such representation was received by the respondents, the same will be considered on merits and in accordance with law.

6.Thus, without going into the merits of the case, this Court is inclined to direct the respondents to consider the representation of petitioner dated 04.10.2018 and 28.08.2019 and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of copy of this order.

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

Sd/-
Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

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To

1. The Director of Town Panchayats
No.75, Santhome High Road,
7th and 8th Floor, Urban Administrative
Office Campus,
Raja Annamalaipuram
Chennai-28.
2. The Assistant Director of Town Panchayat
Cuddalore, Cuddalore District-607 001.

+1cc to Mr.N.Kulandaivelu, Advocate SR.No.89153

+2cc to Government Pleader SR.No.89950, 89958

W.P.No.30477 of 2019

VG II (CO)
GMY (28/11/2019)

सत्यमेव जयते

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