

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.30912 of 2019

S.Kannahi

..Petitioner

Vs

- 1 The Secretary to Government
Municipal Administration and
Water Supply Department,
Secretariat, Chennai - 600 009.
- 2 The Commissioner of Municipal,
Administration, No. 75,
Santhome High Road,
Raja Annamalaipuram,
Chennai - 600 028.
- 3 The Commissioner,
Madurai City Municipal Corporation,
Madurai - 625 020
- 4 The Deputy Director of Local
fund Audit Madurai City Municipal
Corporation Madurai 625 020 .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to pass appropriate orders on the representation of the Petitioner dated 27.09.2019 to release the Encashment of Earned Leave / Private Affairs sanctioned by the Assistant Commissioner by his proceedings dated 28.5.2019 and also to sanction the Pension Commutation of Pension and DCRG within a reasonable period as may be fixed by this Court.

For Petitioner : Mr.T.Ranganathan

For Respondents : Ms. M.Lalitha

Government Advocate.

O R D E R

- 1.This writ petition has been filed by the petitioner, praying for issuance of a Writ of Mandamus, to direct the 1st respondent to pass appropriate orders on the representation of the Petitioner dated 27.09.2019 to release the Encashment of

Earned Leave / Private Affairs sanctioned by the Assistant Commissioner by his proceedings dated 28.5.2019 and also to sanction the Pension Commutation of Pension and DCRG within a reasonable period as may be fixed by this Court.

2. According to the petitioner, she was appointed as Junior Assistant on compassionate grounds in the year 1984 and thereafter, on attaining the age of superannuation on 31.05.2019, she was permitted to retire from service vide proceedings dated 31.05.2019 by the 3rd respondent. The grievance of the petitioner is that she is entitled to last month encashment of earned leave/ private Affairs and also the 5th pay Commission Arrears, which were sanctioned by the 3rd respondent vide proceedings dated 28.05.2019. However, these terminal benefits due and payable to the petitioner have not been settled, due to audit objections the petitioner made a representation on 27.09.2019, seeking the respondents to settle her pension and terminal benefits forthwith. Since no action is forthcoming, the petitioner has come forward with the present writ petition.
3. The learned counsel for the petitioner would submit that without going into merits of the case since the representation made by the petitioner has been pending without any progress it would suffice if this Court directs the respondent and to consider and dispose of the representation made by the petitioner in accordance with law.
4. The learned Government Advocate appearing for the respondents while conceding the claim of the petitioner, would submit that if any such direction is given by this Court, the same would be complied with and the representation of the petitioner would be disposed of in accordance with law.
5. Considering the facts and circumstances of the case and the submissions made on either side, without going into the merits of the case, the respondent is directed to consider and dispose of the representation dated 27.09.2019 made by the petitioner in accordance with law and on merits, within a period of eight weeks from the date of receipt of a copy of this order.
6. With the above observation, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1 The Secretary to Government
Municipal Administration and
Water Supply Department,
Secretariat, Chennai - 600 009.

2 The Commissioner of Municipal,
Administration, No. 75,
Santhome High Road,
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3 The Commissioner,
Madurai City Municipal Corporation,
Madurai - 625 020

4 The Deputy Director of Local
fund Audit Madurai City Municipal
Corporation Madurai 625 020

+1 cc to M/s.T.Ranganathan, Advocate Sr.No. 91599

+1 cc to The Government Pleader Sr.No. 91534

AKM/02.01.2020/3P-7C /

W.P.No.30912 of 2019

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