

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :21.11.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.32636 of 2019

1 P.MOHAN ... Petitioner

Vs

1 The Commissioner of Municipal
Administration, Chepauk, Chennai 5.
2 The Commissioner,
Salem Corporation, Salem. ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents herein to forthwith disburse the Death cum Retirement Gratuity Commutation of Pension Pay Commission Arrears Leave Salary etc to the petitioner by considering the representations of the petitioner dated 26.9.2019 and 28.10.2019.

For Petitioner : Mr.A.Bharathi

For Respondents : Mr.R.S.Selvem, G.A. for R1
: Mrs. K.Bhuvaneswari, AGP for R2

O R D E R

- 1.The petitioner has filed this writ petition seeking issuance of a Writ of Mandamus to direct the respondents herein to forthwith disburse the Death cum Retirement Gratuity Commutation of Pension Pay Commission Arrears Leave Salary etc to the petitioner by considering the representations of the petitioner dated 26.9.2019 and 28.10.2019.
- 2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.
- 3.According to the petitioner, he was appointed as Overseer in the respondent department in the year 1982 and thereafter, he was promoted as Junior Engineer, Assistant Executive Engineer and Executive Engineer from time to time and he retired on 30.04.2017 as Executing Engineer in the 3rd respondent Corporation and thereafter, the petitioner was sanctioned

family pension also. But as regards the payment of Death-cum-Retirement Gratuity, Commutation of Pension, Pay Commission Arrears, Leave Salary, etc., due and payable to the petitioner has been kept pending, without disbursing the same, despite the proceedings dated 06.02.2018 of the second respondent, wherein it has been stated that the payment would be made in two equal instalments. Thereafter, the petitioner made a representation on 26.09.2019 and 28.10.2019 to the second respondent requesting him to disburse of his Death-cum-Retirement Gratuity, Commutation of Pension, Pay Commission Arrears, Leave Salary, etc., at an earlier date. Since as no action is forthcoming, the petitioner is before this Court.

- 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 representations dated 26.09.2019 and 28.10.2019 and to pass appropriate orders.
- 5.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.
- 6.Considering the facts and circumstances of the case and the submissions made on either side, without going into the merits of the case, the respondents are directed to consider and dispose of the representation dated 26.09.2019 and 28.10.2019 made by the petitioner in accordance with law and on merits, within a period of twelve weeks from the date of receipt of a copy of this order.
- 7.The writ petition is accordingly disposed of. No costs.

Sd/-

Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

jrs

To

1 The Commissioner of Municipal
Administration, Chepauk, Chennai 5.

2 The Commissioner,
Salem Corporation, Salem.

+1cc to Mr.A.Bharathi, Advocate SR.No.97362

+1cc to Government Pleader SR.No.98071

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RGN(CO)
GMY(30/01/2020)



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