

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2019

CORAM

THE HONOURABLE Dr.JUSTICE ANITA SUMANTH

WP.No.16860 of 2017

K.Ganesan

... Petitioner

Vs.

1.The Commissioner
Corporation of Chennai
Rippon Building
Chennai - 600 003.

2.The Zonal Officer
Zone-10
Corporation of Chennai
Kodambakkam
Chennai - 600 024.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus to direct the first respondent to pay Rs.2,50,000/- to the petitioner as his deducted gratuity arrear amount.

For Petitioner : Mr.A.Muruganandam

For Respondents : Mr.Sundararajan
Standing Counsel for R1

ORDER

The writ petitioner is a senior citizen who states that he is working as a Sanitary Inspector in the office of the second respondent, Corporation of Chennai, Zone-10, Kodambakkam, Chennai-600 024. He was appointed as Birth and Death Clerk in the Corporation of Chennai on 18.06.1957, and has worked his way through the ranks in the Health Department of Corporation of Chennai.

2.He retired from service on 31.08.1996, at which time, though his gratuity amount was fixed as Rs.1,17,150/-, only a

sum of Rs.53,146/- was paid to him. Thus, according to him, a sum of Rs.64,004/- still remains to be paid and when asked, the respondent concerned has raised an objection stating that an audit objection is pending against the petitioner for the period 1993-1994 and 1994-1995. However thereafter, the respondent vide letter Ma.A.10.Na.Ka.No.A6/10975/2012 dated 14.11.2012, has confirmed that no audit objection is pending against him. Since then, the petitioner has been repeatedly requesting the authorities to pay the arrears of gratuity amount, but the respondents have been avoiding the same on one pretext or the other.

3. The representation sent last by the petitioner to the first respondent dated 08.04.2017, requested the release of the arrears of gratuity that according to him, as on the date of his representation, amounted to a sum of Rs.2,50,000/-. Thereafter, no response is forthcoming and hence, the petitioner is before this Court, seeking a mandamus to direct the first respondent to pay the arrear of gratuity amounting to Rs.2,50,000/-.

4. Mr.K.Sundararajan, learned Standing Counsel appearing for the respondents briefed by Ms.G.Geetha, Superintendent, Health Department, Zone-X, Kodambakkam, Greater Chennai Corporation appears before this Court today on behalf of the second respondent and has filed counter affidavit.

5. A perusal of the counter affidavit and submissions of the learned Standing Counsel appearing for the first respondent would reveal that part of the amount demanded has been remitted by the petitioner into the Chennai Corporation Treasury vide challan Nos.NK/2015-2016/003208 dated 08.05.2015 and NK/2015-16/0003210 dated 13.05.2018, pursuant to the audit objection. After settlement of all dues, the balance remaining to be paid to the petitioner is only Rs.29,288/-. The respondent thus categorically rejects the claim made by the petitioner as regards the arrears to the tune of Rs.2,50,000/-.

6. Be that as it may, the petitioner is a senior citizen and has filed a representation dated 08.04.2017, in respect of which, he is entitled to an order. Ms.G.Geetha, Superintendent, Health Department, Zone-X, Kodambakkam, Greater Chennai Corporation has graciously offered to visit the petitioner in his premises seeing as his mobility is stated to be limited and take note of his submissions. Ms.G.Geetha, Superintendent, Health Department, Zone-X, Kodambakkam, Greater Chennai Corporation will visit the petitioner at the address stated in the writ petition at 2.30 pm. on 06.03.2019 and take note of his representation. The representation shall be disposed by the respondents expeditiously and the amount of

gratuity payable, once quantified, will be paid over to the petitioner within a period of four weeks from the date of quantification thereof.

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

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ds

To:

1.The Commissioner
Corporation of Chennai
Rippon Building
Chennai - 600 003.

2.The Zonal Officer
Zone-10
Corporation of Chennai
Kodambakkam
Chennai - 600 024.

+1 cc to Mr.A.Muruganandam, Advocate Sr.No.19063
+1 cc to Mr.K.Soundarajan, Advocate Sr.No.19447

W.No.16860 of 2017

SR(CO)
CSL/05.03.2019

सत्यमेव जयते

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