

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 19.03.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P(MD)No.12626 of 2017**

M.Vijayalakshmi

... Petitioner

Vs.

- 1.The Director,
Animal Husbandry & Medical Services,
Central Office Buildings Part No.II,
Chennai - 600 006.
- 2.The Regional Director (Animal Husbandry),
Animal Husbandry & Medical Services,
Sivagangai.
- 3.The Assistant Director (Animal Husbandry),
District Livestock Farm,
Chettinad, Sivagangai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the respondents to release the retirement monetary benefits of Rs.4,67,231/- of the petitioner's husband by considering the petitioner's representation, dated 07.06.2017.

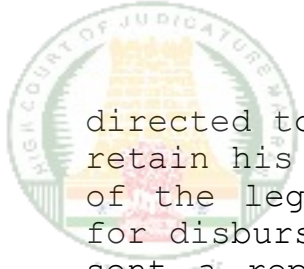
For Petitioner : Mr.D.Ramesh Kumar

For Respondents : Mr.C.M.Mari Chelliah Prabhu,
Additional Government Pleader.**ORDER**

This writ petition has been filed seeking issuance of a writ of Mandamus, to direct the respondents to release the retirement monetary benefits of Rs.4,67,231/- of the petitioner's husband by considering her representation, dated 07.06.2017.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

3.The learned counsel appearing for the petitioner submitted that though the third respondent, vide order, dated 31.08.2015, permitted the petitioner's husband to retire from service and



directed to execute a bond paper stating that he has no objection to retain his retirement benefits of Rs.4,47,920/- along with signature of the legal heirs, he has not executed the same. Hence, claiming for disbursement of the said amount of the petitioner's husband, she sent a representation to the respondents on 07.06.2017. Since the same has not been considered so far, the petitioner has filed the present Writ Petition.

4.A counter-affidavit has been filed by the second respondent, wherein at paragraph Nos.7 & 9, it is stated as follows:-

"7.It is further submitted that if the employee was permitted to retire on condition that the amount would be deducted from his benefits, it is the duty of the said employee and his legal heirs to comply the said conditional retirement. Since the said Muthu, who is the petitioner's husband has been permitted to retire on condition to pay the alleged award through his proceedings in Na.Ka.No.1682/B1/2015, dated 31.08.2015 to execute a Rs.20/- bond papers stating that there he has no objection to retain his retirement gratuity benefits of Rs.4,47,920/-.

.....

9.It is submitted that since there is binding conditional retirement order has been passed against the said Muthu vide Na.Ka.No.1692/B1/2015, dated 31.08.2015, the petitioner herein is also liable to comply the said order. It is further submitted that no one can be permitted to take advantage of their own flaws and lapses and hence the petitioner cannot be escape the consequence of the said conditional retirement order, as neither the petitioner's husband nor the petitioner has turned up to comply the said conditional order of the retirement, dated 31.08.2015.

5.Such stand taken by the second respondent in the counter-affidavit is stoutly refuted by the learned counsel for the petitioner.

6.In such view of the matter, this Court, without going into the merits of the petitioner's claim, directs the respondents to consider the representation of the petitioner, dated 07.06.2017 seeking to release the retirement benefits of the petitioner's husband, and pass appropriate orders on merits and in accordance with law, in one way or other, after affording due opportunity of hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.



7. With the above direction, this Writ Petition stands disposed of. No costs.

WEB COPY

Sd/-

Assistant Registrar (T AND P)

// True Copy //

Sub Assistant Registrar (CS)

ps

To

1. The Director,
Animal Husbandry & Medical Services,
Central Office Buildings Part No. II,
Chennai - 600 006.
2. The Regional Director (Animal Husbandry),
Animal Husbandry & Medical Services,
Sivagangai.
3. The Assistant Director (Animal Husbandry),
District Livestock Farm,
Chettinad, Sivagangai District.

1CC TO MR. D. RAMESH KUMAR, ADVOCATE SR 55165
1CC TO THE SPL GOVT PLEADER SR 55319

KK
15/04/2019
3P 6C

W.P (MD) No. 12626 of 2017

19.03.2019