



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD)No.21376 of 2019

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M.Melkias

... Petitioner

Vs.

1.The Director of Medical Service,
258, D.M.S.Complex 3rd Floor,
Near Fire Service,
Anna Salai, Teynampet West,
Chennai-600 006.

2.The District Collector,
Kanyakumari District,
Nagercoil.

3.The Dean,
Kanyakumari Medical College,
Asaripallam 629 201,
Kanyakumari District.

4.The Accountant General (A & E),
O/o.The Principal Accountant General,
No.361, Anna Salai,
Chennai-600 018.

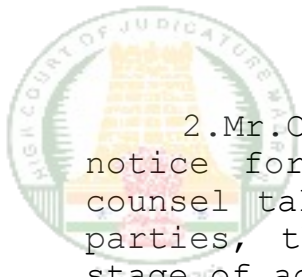
... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1,3 & 4 herein to disburse all the benefits relating to Surrender Leave Pay, salary for period of 23 days and other unearned leave benefits for which petitioner's deceased wife is entitled within the time limit fixed by this Court.

For Petitioner	: Mr.M.Dinesh
For R1 to R3	: Mr.C.Ramar, Additional Government Pleader
For R4	: Mr.P.Gunasekaran

ORDER

This writ petition is filed seeking for a mandamus, directing the respondents 1,3 & 4 to disburse all the benefits relating to Surrender Leave Pay salary for a period of 23 days and other unearned leave benefits, for which, the petitioner's deceased wife is entitled, within the time limit fixed by this Court.



2.Mr.C.Ramar, learned Additional Government Pleader takes notice for the respondents 1 to 3 and Mr.P.Gunasekaran, learned counsel takes notice for the fourth respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself.

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3. The petitioner's wife was working as Head Nurse and died on 23.07.2013, while she was in service leaving behind the petitioner, son and daughter as her legal heirs. As a husband, the petitioner is entitled to family pension. Hence, he sent a representation to the respondents 1,3 & 4 on 21.03.2014 for family pension and other attendant benefits. The respondents have not passed any order on the representation. Therefore, the petitioner filed a writ petition in W.P(MD)No.6849 of 2014 for a direction to the respondents to disburse the family pension, Gratuity and other monetary benefits to him, based on his representation. This Court, by order dated 22.04.2014, disposed the said writ petition directing the third respondent therein to pass appropriate orders within a period of four weeks. In view of the order passed by this Court, the third respondent settled the family pension and Gratuity amount to the petitioner. The Leave salary and for arrears of salary for 23 days and other un-earned leave benefits, in which, petitioner's husband was entitled to, were not paid to him. In view of the same, the petitioner has sent various representations dated 16.10.2015, 20.02.2016, 21.10.2016, 07.03.2018 and 17.06.2019. The respondents have not passed any orders on the representations and also not settled the terminal benefits so far. Hence, the present writ petition.

4. The learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the respondents to pass orders on the representation.

5. In view of the submission made by the learned counsel for the petitioner, without deciding the issue on merits in the writ petition, the third respondent is directed to consider the representation of the petitioner, dated 17.06.2019 and pass orders on merits and in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (co)

// True Copy //

Sub Assistant Registrar(CS)



To

1.The Director of Medical Service,
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2.The District Collector,
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3.The Dean,
Kanyakumari Medical College,
Asaripallam 629 201,
Kanyakumari District.

+1 CC to Mr.P.GUNASEKARAN, Advocate (SR-91293[F] dated 04/10/2019)

+1 CC to SPL.GP (SR-91644[F] dated 09/10/2019)

W.P. (MD) No.21376 of 2019
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