

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2020

CORAM:

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P.No.2737 of 2020

P.Ranganathan

... 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.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to consider the representation made by the petitioner dated 15.11.2019 requesting for settlement of the terminal benefits and the retirement benefits due to the petitioner's father and to pass appropriate orders within a reasonable time.

For Petitioner : Mr.T.Ranganathan

For Respondents : Mr.P.S.Sivashanmuga Sundaram
Special Government Pleader

ORDER

This Writ Petition has been filed for the issue of writ of Mandamus directing the 1st respondent to consider the representation made by the petitioner on 15.11.2019 and to settle the terminal benefits and other retirement benefits due and payable to the deceased father of the petitioner.

2. The case of the petitioner is that his father was working as a Joint Director of Municipal Administration. He was due to retire on 31.01.2000. However, he was placed under suspension and he was not allowed to retire. This was based on a criminal case that was pending against him in Special Case No.1 of 1999. It is seen from records that this case ended in

acquittal by an order dated 16.02.2001 and the same was also confirmed in Appeal by this Court vide an order dated 07.04.2015.

3. The deceased father made a representation to the respondents to permit him to retire from service and to settle all his retirement benefits, in view of the acquittal in the criminal case. Unfortunately, he died on 28.09.2016.

4. The petitioner, who is the son of the deceased Government employee has made a representation to the 1st respondent to pass appropriate orders and sanction the terminal benefits on the ground that the disciplinary proceedings have abated on the death of the employee and consequently, the legal heirs of the deceased employee are entitled to receive the terminal benefits. Since no orders were passed by the 1st respondent on the representation made by the petitioner, the present writ petition has been filed before this Court.

5. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

6. Taking into consideration the facts and circumstances of the case and the limited relief that has been sought for in this writ petition, there shall be a direction to the 1st respondent to consider the representation made by the petitioner on 15.11.2019 and pass appropriate orders in accordance with law, within a period of eight weeks from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation along with the earlier representation dated 15.11.2019 and also a copy of this order.

7. This writ petition is disposed of with the above directions. No costs.

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Sd/-

Assistant Registrar(CS VIII)

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Sub Assistant Registrar

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To

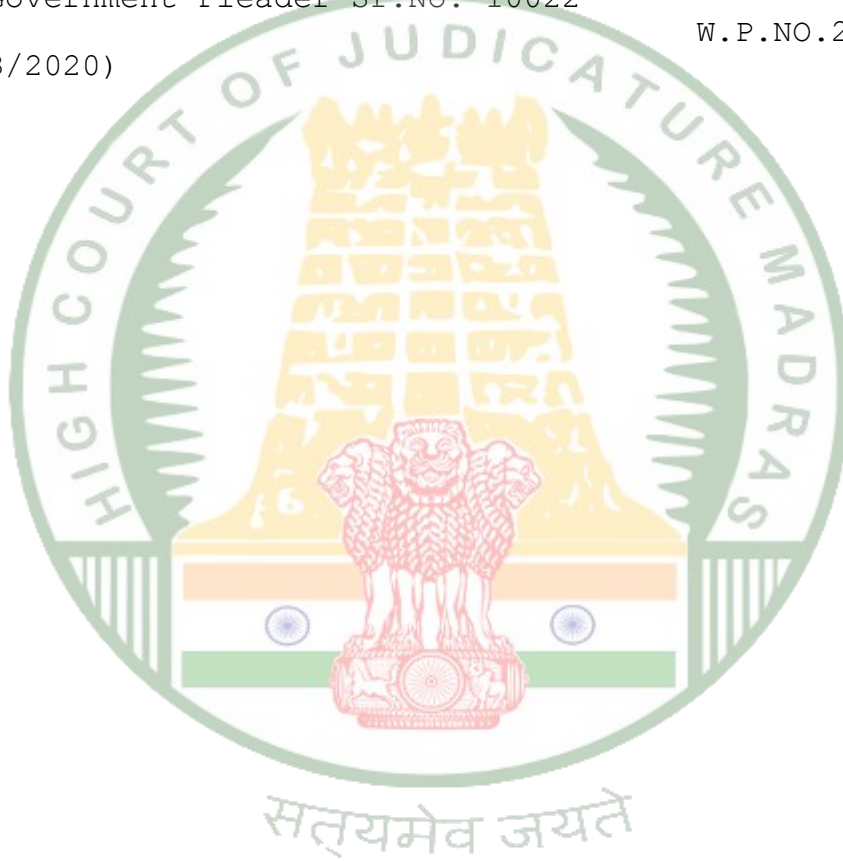
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+1cc to Mr.T.Ranganathan , Advocate SR.No. 8904

+1 cc to Government Pleader Sr.No. 10022

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A.SK(11/03/2020)



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