

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.11.2020

C O R A M

The HON'BLE MR. JUSTICE SENTHILKUMAR RAMAMOORTHY

Writ Petition No.19084 of 2010

(Through Video Conferencing)

G.Savithiri

.. Petitioner

vs

1. State of Tamil Nadu, rep. by its
Secretary to Government,
Health Department,
Fort St. George, Chennai-9.
2. The Director of Public Health and
Preventive Medicines,
No.359, Anna Salai
Tenynampet, Chennai-18.
3. The Depty Director of Health Services,
Thanjavur.
4. The Medical Officer,
Alagiyanayagipuram,
Thanjavur District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus directing the respondents to pay the terminal benefits including the Ex-gratia amount payable in respect of the deceased - A.Ganesan, who was working as Mazdoor to the petitioner along with interest at the rate of 12% p.a. From the date of death of employee/A.Ganesan i.e. 11.01.1985 till the date of payment.

For Petitioner : No appearance

For Respondents : Mr.G.K.Muthukumar,
Spl. Govt. Pleader

O R D E R

The matter was listed for hearing on 09.11.2010 and 11.11.2020 but was adjourned on account of non-appearance by the learned counsel for the Petitioner. Once again, at the

hearing today, the learned counsel for the Petitioner is not present. The learned Special Government Pleader submits that the case pertains to payment of terminal benefits to the deceased employee A.Ganesan along with interest thereon. After the writ petition was filed, he submits that the Respondents took a sympathetic view of the matter and granted terminal benefits to the Petitioner. In particular, he states that Earned Leave and Unearned Leave Salary were drawn on 17.03.2015 and paid to the legal heirs of the said A.Ganesan. Likewise, a sum of Rs.3,000/- was paid as DCRG to the three legal heirs of Ganesan at the rate of Rs.1,000/- each on 30.12.2016. Besides, Family Pension has been sanctioned to the Petitioner. Therefore, he states that the writ petition may be closed on the above basis. He also produced a communication dated 15.05.2018 from the Director of Public Health and Preventive Medicine to the Government Pleader Office in support of the above submissions.

2. Upon perusal thereof, I find that the relief prayed for by the Petitioner has been substantially satisfied by paying Earned Leave, Unearned Leave Salary, DCRG and sanctioning family pension. As regards interest thereon, it is always open to the Petitioner to claim the same through an independent proceeding, if permissible as per the relevant statutes and rules. If such claim is made, it is open to the Respondents to contest such claim including on the ground that the delay in making the claim is attributable to the Petitioner.

3. This writ petition is disposed of on the above terms. No costs.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
State of Tamil Nadu,
Health Department,
Fort St. George, Chennai-9.
2. The Director of Public Health and
Preventive Medicines,
No.359, Anna Salai
Tenynampet, Chennai-18.

3. The Depty Director of Health Services,
Thanjavur.

4. The Medical Officer,
Alagiyanayagipuram,
Thanjavur District.

+1cc to the Government Pleader SR.37407

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SVI (CO)
CB(15/12/2020)



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