



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.03.2021

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THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.5839 of 2021
(Heard through VC)

R.Malliga Rajendran

.. Petitioner

-vs-

1.The Secretary to Government,
Municipal Administration and
Water Supply (ME2) Department,
Fort St. George,
Chennai - 600 009.

2.The Commissioner of Municipal Administration,
Chepauk,
Chennai - 600 005.

.. Respondents

Prayer: Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus directing the respondents to sanction and disburse the commutation, gratuity and other pensionary benefits to the petitioner.

For Petitioner : Mr.S.Ilamvaludhi

For Respondents : Mr.P.V.Selvakumar
Additional Government Pleader

O R D E R

The petitioner has come forward with this writ petition seeking a direction to the respondents to sanction and disburse the commutation, gratuity and other pensionary benefits to the petitioner.

2. Mr.P.V.Selvakumar, learned Additional Government Pleader takes notice on behalf of the respondents.

3. By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

4. The case of the petitioner is that she joined as a Typist on 04.11.1982 in the Municipal Administration Department. Thereafter, she has been promoted to the post of Commissioner on 31.01.2015. While so, an audit objection has been raised and a charge memo has been issued to her on 24.09.2019. Thereafter she rectified all the audit objections and the Collector of Thiruvallur has also given consent vide



proceedings dated 28.09.2019. Having given quietus to this issue, all of a sudden, the Commissioner of Municipal Administration in Roc.No.22837/2019/C3 dated 24.09.2019, issued a charge memo stating that the petitioner is responsible to collect a sum of Rs.78,29,733/-, while she was working as Commissioner at Tiruttani and Anagaputhur. In the meanwhile, the petitioner was permitted to retire from service by the orders of the first respondent dated 30.09.2019. Due to the pendency of the Transport Employees' Professional Tax issue, she has not been sanctioned pension except provisional pension and other pensionary benefits like Commutation, Gratuity etc. She has also sent a representation dated 11.12.2020 to fix the enquiry date, but till date there is no response from the respondents and the enquiry has not been concluded so far. Hence, the petitioner is before this Court.

5. The learned counsel for the petitioner submitted that the petitioner has sent a representation dated 11.12.2020 to the respondents, but the same is yet to be disposed of by the respondents. Learned counsel submitted that it would suffice, if the said representation made by the petitioner is directed to be considered and disposed of by the respondents on merits.

6. Considering the facts and circumstances of the case and taking into account the fact that the petitioner's representation is already pending with the respondents, the writ petition is disposed of with the following directions:

i) A direction is issued to the respondents herein to consider the representation submitted by the petitioner dated 11.12.2020, if not already disposed of, and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner and other persons, if any, who are likely to be affected, as expeditiously as possible, preferably within a period of 90 days from the date of receipt of a copy of this order.

ii) In case the petitioner is unable to appear for personal hearing, the petitioner is entitled to send a written submission within a period of one month from the date of receipt of a copy of this order through registered post or speed post and the same shall be treated as personal hearing. It is made clear that the petitioner can avail the opportunity of either personal hearing or filing written submission and not both;

iii) In case the petitioner fails to appear or file a written submission in time, the respondents shall pass orders based on the available records and the petitioner, cannot at a later point of time take a stand that opportunity of being heard is not given to the petitioner;

iv) The petitioner shall furnish Mobile Number, email ID, any, etc., along with a copy of the representation dated



11.12.2020 and this order, to the respondents forthwith;

v) The respondents are directed to communicate the decision taken on the appeal, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the petitioner to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the petitioner, they will have to face the civil imprisonment in case of contempt proceedings. If they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of delivery, so that the petitioner, later on, will not take a plea that the petitioner is not aware of the order. No costs.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

rsi

To

1.The Secretary to Government,
Municipal Administration and
Water Supply (ME2) Department,
Fort St. George,
Chennai - 600 009.

2.The Commissioner of Municipal Administration,
Chepauk,
Chennai - 600 005.

+1cc to M/s. S. Ilamvaludhi, Advocate, S.R.No.15091

+1cc to the Government Pleader, S.R.No. 15398

W.P.No.5839 of 2021

LN(CO)
GN(15/07/2021)