

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 31.03.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No. 8307 of 2021

P. Nagarajan

... Petitioner

Vs

1.The Commissioner,
Salem Corporation,
Salem.

2. The Assistant Commissioner (Accounts)
Salem Corporation,
Salem.

.... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus directing the respondents herein to forthwith disburse the retirement benefits i.e., the Gratuity, Special Grade Salary, Earn Leave Salary, etc., payable to the petitioner by considering the representations of the petitioner dated 10.10.2020 and 05.01.2021.

For Petitioner : Mr.A.Bharathi

For Respondents : Mr.S.Sathish Kumar

ORDER

This writ petition has been filed, seeking a direction to the respondents herein to forthwith disburse the retirement benefits i.e., the Gratuity, Special Grade Salary, Earn Leave Salary, etc., payable to the petitioner by considering the representations of the petitioner dated 10.10.2020 and 05.01.2021.

2. Mr.S.Sathish Kumar, learned Standing Counsel takes notice for respondents. By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioner is that he retired from service as Driver in the respondent Corporation after attaining the age of Superannuation on 31.03.2020. Subsequently, the Deputy Director of Local Fund Audit, Salem approved the Pensionery and retirement benefits due to the petitioner and the Assistant Commissioner (Accounts), Salem corporation sanctioned the Pensionery and retirement benefits due to the petitioner on 24.06.2020. However, since the respondents have not disbursed the retirement benefits, the petitioner has made two representations dated 10.10.2020 and 05.01.2021 to the second respondent for disbursement of the same. As there is no action taken on his representations, having no other remedy except to approach this Court, the petitioner has filed the present writ petition.

4. In view of the limited prayer sought for by the petitioner and if the Petitioner's representation is already pending with the authorities concerned, this Court directs the respondents to consider the representations of the petitioner dated 10.10.2020 and 05.01.2021 and pass appropriate orders, in accordance with law, if not already passed, after affording an opportunity of hearing to the petitioner, as expeditiously as possible, preferably within a period of two months from the date of receipt of a copy of this order. It is made clear that in case of any delay in payment, the interest shall be payable at the rate of 10 % per annum from the amount due and if no decision is taken with regard to disbursement of the amount, the entire interest portion shall be recovered from the concerned Officer, who is responsible for disbursement of amount. Further, it is made clear that if any amount has already been paid, the same shall be adjusted during the disbursement of retirement benefits.

5. The petitioner shall furnish her phone number, email ID, if any, etc., along with a copy of the representation dated 10.10.2020 and 05.01.2021 and this order, to the respondents forthwith. The respondents are directed to communicate the decision taken on the representation, 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 parties to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the parties, they will have to face the civil imprisonment in case of contempt proceedings and, 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 attempt of delivery, so that the parties, at a later point of time, will not take a plea that she is not aware of the order.

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

Sd/-
Assistant Registrar (CS-V)

//True copy//

Sub Assistant Registrar

dpq

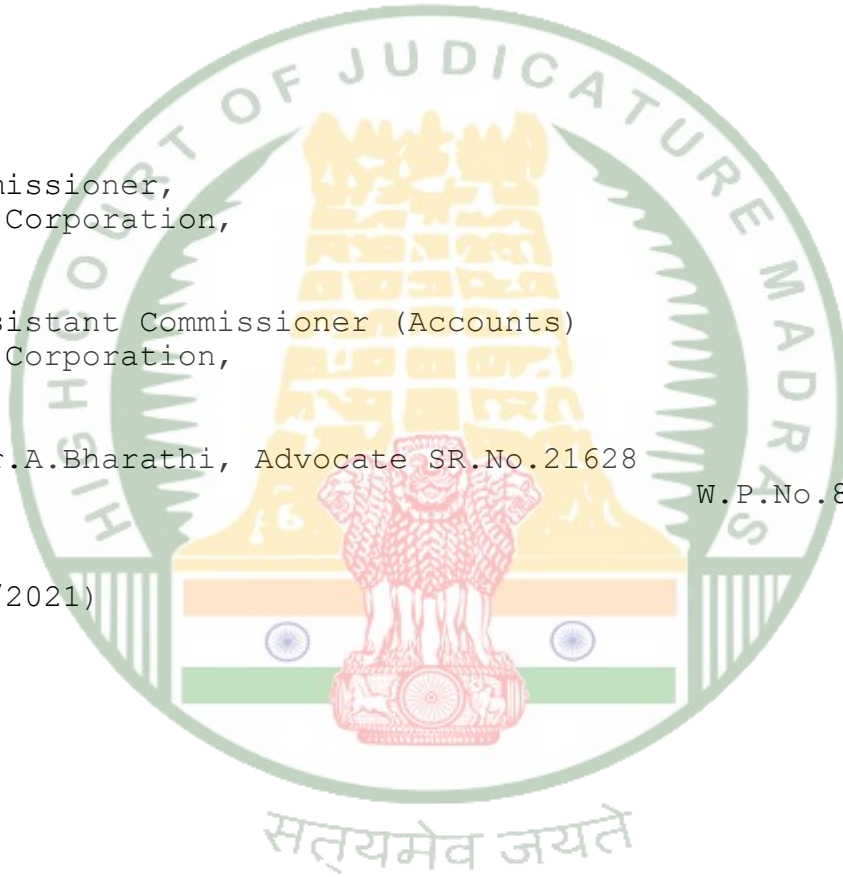
To:

1. The Commissioner,
Salem Corporation,
Salem.
2. The Assistant Commissioner (Accounts)
Salem Corporation,
Salem.

+1cc to Mr.A.Bharathi, Advocate SR.No.21628

W.P.No.8307 of 2021

RR(CO)
GMY(05/07/2021)



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