



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2022

CORAM :

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.23992 OF 2021

P.Kala Ponnusamy

...Petitioner

vs.

1.The Principal Secretary,  
Health and Family Welfare Department,  
Fort St. George, Chennai - 09.

2.The Director,  
Family Welfare Department,  
Chennai - 600 006.

3.The Deputy Director,  
Medical & Rural Health Services  
& F.W.Dist. Family Welfare Bure  
Salem - 636 001.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to settle the permissible terminal benefits such as Encashment of Earned Leave for 240 days, Gratuity, Family Benefit Fund, Unearned Leave for 180 days with half-pay and admissible amount by considering the representation dated 07.07.2021.

For Petitioner : Mr.P.Ganesan

For Respondents : Mr.P.Balathandayutham  
Special Government Pleader

O R D E R

This writ petition has been filed for issuance of a Writ of Mandamus directing the respondents to settle the permissible terminal benefits such as Encashment of Earned Leave for 240 days, Gratuity, Family Benefit Fund, Unearned Leave for 180 days with half-pay and admissible amount by considering the representation dated 07.07.2021.



2. The case of the petitioner in brief:

The petitioner was appointed as a Junior Assistant on 10.12.1993 in the 2<sup>nd</sup> respondent Office on compassionate ground since the husband of the petitioner died while he was in service as Cinema Operator in the 2<sup>nd</sup> respondent Office. The petitioner was then promoted as Assistant and posted at the 3<sup>rd</sup> respondent Office. The petitioner was suspended on 29.07.2011 on the ground that a criminal case was pending against her and she was not permitted to retire from service on 28.10.2015. The petitioner was convicted on criminal charges under Sections 7 and 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988. The petitioner was issued with a show cause notice on 18.12.2020 calling for explanation regarding punishment of conviction imposed against her. The petitioner had submitted her explanation on 13.01.2021 and the respondents have imposed the penalty of Dismissal from Service on 09.03.2021. Thereafter, the petitioner made a representation to the 2<sup>nd</sup> respondent on 07.07.2021 requesting to settle permissible monetary benefits. However, the same was not considered by the respondents till date. Hence, this writ petition.

3. The learned counsel appearing for the petitioner submitted that the petitioner had made a representation to the 2<sup>nd</sup> respondent on 07.07.2021 for encashment of eligible terminal benefits such as earned leave, un-earned leave, etc., but, the same has not been considered by the respondents till date. Hence, this Court may direct the respondents to consider the representation of the petitioner within a time frame.

4. The learned Special Government Pleader fairly submitted that, the representation of the petitioner will be considered by the authorities concerned and appropriate orders will be passed, in accordance with law, within a time frame fixed by this Court.

5. In view of the above submissions and also considering the limited scope of prayer, without expressing any opinion on merits, this court directs the first respondent to consider the representation of the petitioner, and pass orders on its own merits, in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order, after providing opportunity to the petitioner, if necessary.

6. With the above direction, the writ petition is disposed of. Needless to say that a copy of the petitioner's representation shall be forwarded to the first respondent along with this order. No costs.

Sd/-

Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar

dsa



To

1.The Principal Secretary,  
Health and Family Welfare Department,  
Fort St. George, Chennai - 09.

2.The Director,  
Family Welfare Department,  
Chennai - 600 006.

3.The Deputy Director,  
Medical & Rural Health Services  
& F.W.Dist. Family Welfare Bure  
Salem - 636 001.

+1cc to M/s.P.Ganesan, Advocate Sr.No.13892

+1cc to the Government Pleader Sr.No.14606

W.P.No.23992 of 2021

RR(CO)  
RVM(16/03/2022)