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W.P. No.33596 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P. No.33596 of 2022

T. Jamuna

... Petitioner

VS.

1. The Commissioner of Greater Chennai Corporation,
No.1131, EVR Periyar Street,
Ripon Building,
Park Town,
Chennai – 600 003.

2. The Education Officer,
The Greater Chennai Corporation in Chennai,
Ripon Building,
Chennai – 600 003.

3. The Head Master
Chennai Corporation Girls Higher Secondary School,
Putta Street,
Korukkupet,
Chennai – 600 021.

... Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 & 2 to pay a sum of Rs.8,73,797/- to the petitioner as per her representation dated 13.10.2022.



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For petitioner
For respondents

: Mr.M.Rajasekhar
: Mr.S.Gopinathan
Standing counsel

ORDER

By consent of both the parties, this writ petition has been taken up for final disposal at the admission stage itself.

2. Mr.S.Gopinathan, learned Standing counsel accepts notice on behalf of the respondents.

3. This writ petition has been filed for a Mandamus seeking for a direction to the respondents 1 & 2 to pass final orders on the petitioner's representation, dated 13.10.2022 seeking for recovery of a sum of Rs.8,73,797/- due and payable by M.Jothi to the petitioner. According to the petitioner who is an employee of the 3rd respondent School, M.Jothi had borrowed money from her which has not been repaid. The petitioner has filed a Civil suit and has obtained a money decree against the said M.Jothi. The petitioner has already filed an Execution Petition seeking to recover the decretal amount from M.Jothi.

4. The learned Standing counsel for the respondents would submit that the respondent Corporation has already deposited a sum of Rs.1,34,496/- to the credit of Execution Petition filed by the petitioner.



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5. However, the learned counsel for the petitioner would submit that excepting for gratuity and pension amounts payable to M.Jothi, the remaining amounts viz., encashment towards Earned Leave and other monetary benefits can also be attached based on the Civil Court decree obtained by the petitioner against M.Jothi. The petitioner has given a representation on 13.10.2022 for the said purpose. Since the representation has not been considered, till date, she has filed this writ petition.

6. Heard Mr.M.Rajasekhar, learned counsel for the petitioner and Mr.S.Gopinathan, learned Standing counsel for the respondents.

7. No prejudice would be caused to the respondents, if the petitioner's representation as stated supra is considered on merits and in accordance with law, within a time frame to be fixed by this Court.

8. For the foregoing reasons, this Court directs the 2nd respondent to pass final orders on merits and in accordance with law on the petitioner's representation, dated 13.10.2022 seeking for payment of a sum of Rs.8,73,797/-, which according to her is due and payable by the respondents to M.Jothi against whom the petitioner has got a Civil Court



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decree in her favour, within a period of eight weeks from the date of receipt of a copy of this order.

9. With the aforesaid directions, this writ petition is disposed of. No costs.

14.12.2022

Index: Yes/No
Internet: Yes/No
Speaking Order/Non-Speaking Order
vsi2

To
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ABDUL QUDDHOSE, J.

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