



Writ Petition No.2675 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :03.02.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No. 2675 of 2023

A.Gunasekaran
S/o.Arumugam

...Petitioner

Vs

The Commissioner,
Thiruchengode Municipality,
Thiruchengode, Namakkal District.

... Respondent

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondent to consider and pass an order on representation dated 01.11.2022 given by the petitioner with regard to the disbursement of the earned leave, unearned leave, General Provident Fund, Special Provident fund and Retiral benefits to the petitioner within a short time that may be fixed by this Court.

For Petitioner : Ms.G.Sridevi

For Respondent : Mr.D.Ravichander
Special Government Pleader



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ORDER

This Court directed Mr.D.Ravichander, learned Special Government Pleader, to take notice on behalf of the respondent and accordingly, learned Special Government Pleader takes notice.

2. This Writ Petition has been filed for issuance of a writ of mandamus directing the respondent to consider the representation made by the petitioner on 01.11.2022 wherein the petitioner has sought for disbursement of the earned leave, unearned leave, General Provident Fund, Special Provident fund and Retiral benefits to the petitioner within the time fixed by this Court.

3. The case of the petitioner is that he is a retired Revenue Assistant, who had attained superannuation on 30.06.2022. While the petitioner was in service, proceedings were initiated by the Municipality for recovery of property tax, water tax and professional tax from the petitioner. The petitioner challenged the same by filing a writ petition before this Court in W.P.No.11393 of 2022 and the demand was set aside by this Court by order dated 06.09.2022.



4. The grievance of the petitioner is that the respondent, through proceedings dated 30.06.2022, is attempting to recover the very same dues, which have been set aside by this Court in the writ petition and thereby, a sum of Rs.5,42,038/- was retained by the respondent and was not settled to the petitioner at the time of his retirement. A representation was also made in this regard on 01.11.2022 requesting the respondent to disburse the retirement benefits. Since the same was not acted upon, the present writ petition has been filed seeking for appropriate direction.

5. Heard Ms.G.Sridevi, learned counsel for the petitioner and Mr.D.Ravichander, learned Special Government Pleader, appearing for the respondent.

6. Taking into consideration the limited relief sought for in this writ petition and without going into the merits of the case, there shall be a direction to the respondents to act upon the representation made by the petitioner on 01.11.2022 and disburse the amount to the petitioner, if the petitioner is legally entitled to the same and this process shall be completed by the respondent within a period of four (4) weeks from the date of receipt



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N.ANAND VENKATESH, J.

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of a copy of this order. The petitioner shall make a fresh representation to the respondent along with all relevant documents and also a copy of this order.

Accordingly, this Writ Petition is disposed of with the above direction. No costs.

03.02.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
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To

The Commissioner,
Thiruchengode Municipality,
Thiruchengode, Namakkal District.

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