



WEB COPY



W.P.No.3643 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.3643 of 2024

R.Sakthivel

... Petitioner

Vs.

1.The Commissioner,
Thiruchengode Municipality,
Thiruchengode,
Namakkal District

2.The Special Director,
Local Fund Audit,
Nandhanam, Chennai-35

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a writ of mandamus directing the Respondent to consider and pass an order on the representation dated 28.12.2023 given by the petitioner with regard to the disbursement of the earned leave, unearned leave, General Provident Fund, Special Provident Fund, Retiral Benefits, Pension and Terminal Benefits to the petitioner within a short time that may be fixed by this Court.

For Petitioner : M/s.G.Sridevi

For Respondents : Mr.K.Tamilvendan,
Government Advocate



W.P.No.3643 of 2024

WEB COPY

ORDER

This writ petition has been filed for direction to the respondents to consider the representation submitted by the petitioner dated 28.12.2023 seeking disbursal of earned leave, unearned leave, GPF, SPF and retirement benefits such as pension and terminal benefits.

2. Heard, the learned counsel appearing on either side.

3. The petitioner was working as Special Grade Wireman under the first respondent. Due to his attainment of age of superannuation as on 31.05.2023, he was permitted to retire from his service by the proceedings dated 31.05.2023 on the file of the first respondent. On the date of his retirement itself, he submitted application for his pension, commutation and retirement gratuity. However, even till today, the petitioner was not disbursed with any terminal benefits. In turn, the first respondent by its proceedings dated 22.08.2023, stated that the first respondent received legal notice from the wife of the petitioner



W.P.No.3643 of 2024

thereby called upon the first respondent not to disburse the terminal benefits to the petitioner without giving opportunity of personal hearing to her.

4. However, so far no enquiry was conducted by the first respondent with his wife. Even though, the wife of the petitioner had sent legal notice not to disburse any terminal benefits to the petitioner, it will not bind the first respondent to stop from payment of terminal benefits. Unless there is any court order such as attachment of any benefits, the first respondent has no authority to retain the terminal benefits without disbursement to the petitioner.

5. The learned counsel for the petitioner submitted that the petitioner's wife already filed maintenance case before the Judicial Magistrate, Tiruchengode, Namakkal in MC.No.20 of 2014. It was ordered and thereafter the wife of the petitioner also filed CMP.No.1170 of 2020 seeking arrears of maintenance, in which the learned Judicial Magistrate ordered to recover from his salary for the arrears of



W.P.No.3643 of 2024

maintenance to the tune of Rs.71,500/- by an order dated 15.12.2020.

Accordingly, his salary was deducted and paid to his wife. Thereafter, the petitioner retired from service as on 31.05.2023. There is no order of attachment insofar as his terminal benefits.

6. Therefore, the first respondent is directed to disburse all the benefits to the petitioner which he is entitled to due to his retirement forthwith subject to any order from the court.

7. With the above direction, this writ petition is disposed of.
There shall be no order as to costs.

16.02.2024

Internet: Yes

Index: Yes/No

Speaking/Non-speaking order

lok



WEB COPY



W.P.No.3643 of 2024

To

- 1.The Commissioner,
Thiruchengode Municipality,
Thiruchengode,
Namakkal District
- 2.The Special Director,
Local Fund Audit,
Nandhanam, Chennai-35



WEB COPY



W.P.No.3643 of 2024

G.K.ILANTHIRAIYAN, J.

lok

W.P.No.3643 of 2024



WEB COPY



W.P.No.3643 of 2024

16.02.2024