



W.P.No.26612 of 2021

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.26612 of 2021

Mr.S.Rajasekar

... Petitioner

Vs.

1.The Assistant Director,
Municipal Pension Benefits Section,
Directorate of Local Fund Auddit,
4th Floor, Nandhanam,
Chennai 600 035.

2.The Commissioner,
Municipality, Nagapattinam.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the first respondent to disburse the monetary benefits of Late S.Soundaranayaki to the petitioner herein along with applicable interest, as per the orders of the 2nd respondent in Na.Ka.No.4329/H2/2016 dated 17.05.2018 and Na.Ka.No.4329/H1/2016 dated 29.05.2018 within the time frame fixed by this Court.



W.P.No.26612 of 2021

For Petitioner : Mr.R.Shivakumar for
Mr.K.M.Vijayan Associates

For Respondents : Mr.T.Chezhiyan, AGP for R1
Mr.P.Srinivas for R2

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus, to direct the first respondent to disburse the monetary benefits of Late S.Soundaranayaki to the petitioner herein along with applicable interest, as per the orders of the 2nd respondent in Na.Ka.No.4329/H2/2016 dated 17.05.2018 and Na.Ka.No.4329/H1/2016 dated 29.05.2018 within the time frame fixed by this Court.

2. Heard Mr.R.Shivakumar, learned counsel for the petitioner, Mr.T.Chezhiyan, learned Additional Government Pleader for R1 and Mr.P.Srinivas, learned counsel for R2.

3. The petitioner is the brother of late S.Soundaranayaki who worked as an Urban Health Nurse in Nagapattinam Municipality. She is unmarried and died on 31.08.2017. The petitioner being the legal heir of the deceased S.Soundaranayaki, has made a request to the second respondent by producing the legal heir certificate for disbursing the



W.P.No.26612 of 2021

terminal benefits of the deceased. The first respondent has issued proceedings No.37390/MPV(6)/2018 dated 07.06.2019 and Challan No.28551 for the disbursement of the terminal benefits of S.Soundaranayaki for an amount of Rs.11,99,520/-. However, the grievance of the petitioner is that the first respondent did not pay the leave encashment salary for which the deceased sister was entitled. In fact the petitioner made a fresh representation and no action has been taken till now by the respondents.

4. The learned Additional Government Pleader for the first respondent submitted that the representation of the petitioner has been sent to the second respondent and the second respondent has submitted the particulars of the earned leave credit in the account of the deceased S.Soundaranayaki.

5. In such case, it is for the first respondent to consider the representation of the petitioner and pass orders in accordance with the rules governing the encashment of leave.

6. With the above observations, this Writ Petition is disposed and



W.P.No.26612 of 2021

the first respondent is directed to consider the representation of the petitioner and pass orders in accordance with the rules governing the encashment of leave within a period of six weeks from the date of receipt of a copy of this order. No costs.

16.02.2024

Index : Yes /No

Internet : Yes/No

Speaking / Non-speaking

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W.P.No.26612 of 2021

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W.P.No.26612 of 2021

R.N.MANJULA, J.

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W.P.No.26612 of 2021

16.02.2024