



W.P.No.33587 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.33587 of 2024

Yuvaraj

...Petitioner

Vs

1.State of Tamil Nadu
Represented by its Secretary to Government,
Health and Family Welfare Department,
Secretariat,
Chennai- 600 009.

2.The District Collector,
District Collector Office,
Erode.

3.The Dean,
Government Erode Medical College
and Hospital,
Perundurai,
Erode-638 053

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the 3rd respondent to consider the representation dated 21.02.2023 and further direct the 3rd respondent to disburse the gratuity and earned leave.



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For Petitioner : Mr.M.Saravanakumar
For Respondents : Mr.M.Bindran for R1 and R3
Additional Government Pleader
Mr.Stalin Abhimanyu for R2
Additional Government Pleader

ORDER

This writ petition has been filed to direct the 3rd respondent to consider the representation dated 21.02.2023 and further direct the 3rd respondent to disburse the gratuity and earned leave.

2. The case of the petitioner is that the petitioner's wife was worked as a Special Grade Staff Nurse in Government Erode Medical College and Hospital, Perundurai, Erode since 05.04.1995. The petitioner's wife was suffered with breast cancer in the year 2020 and she was admitted as in-patient. Thus, she applied for unearned leave from 01.03.2023 to 12.04.2023 along with medical certificate for 42 days to the 3rd respondent. Later, she succumbed to death on 12.04.2023. Thereafter, the petitioner approached the respondents for gratuity settlement and earned leave settlement from 01.03.2023 to 12.04.2023 to the respondents, but they deliberately dragged to issue the settlement amount to the petitioner. The petitioner had also made a representation



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on 19.08.2024 addressed to the Chief Minister Special, Cell, Secretariat, Chennai, wherein he brought to his notice that an unilateral order has been passed in a hurried manner by the 2nd respondent vide proceedings dated 29.08.2024 stating that the Road Transport Corporation has been handed over to the employees of Perundurai Medical College Hospital due to financial crisis.

(ii). Due to the fact that provision of retirement benefits to the employees by the Director of Road Transport Corporation, Chennai or the Department of Public Welfare, it is informed that they will be provided to them at the Government Medical College Hospital, Erode only after receiving appropriate guidance from the Government regarding their gratuity. In such circumstances, the impugned order issued by the respondent is liable to be set aside. Hence, the present petition has been filed to direct the 3rd respondent to consider the representation dated 21.02.2023 and further direct the 3rd respondent to disburse the gratuity and earned leave.

3. Learned counsel appearing for the respondents would submit that the representation of the petitioner will be considered by the respondents on its own merits and in accordance with law, within the time



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fixed by this Court.

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4. In view of the above, this Court without going into the merits of the case, directs the 3rd respondent to forward the petitioner's request/representation dated 21.02.2023 along with the necessary records to the first respondent to enable them to take appropriate decision for passing orders on its own merits and in accordance with law. The said exercise shall be completed within a period of sixteen (16) weeks from the date of receipt of copy of this order.

5. With the above direction, the Writ Petition stands disposed of. No costs.

19.11.2024

Index:Yes/No
Speaking order/Non-speaking order
msv

To
1.The Secretary to Government,
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Secretariat,
Chennai- 600 009.

2.The District Collector,



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District Collector Office,
Erode.

3.The Dean,
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V.BHAVANI SUBBAROYAN,J.



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