



WP(MD) No.11807 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.06.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.11807 of 2024

M.Kannan

... Petitioner

Vs.

1.The Secretary,

Municipal Administration and Water Supply Department,
The Secretariat,
Chennai - 5.

2.The Director / Commissioner,

Municipal Administration and Water Supply Department,
Chepauk,
Chennai.

3.The Director,

Local Fund Audit Department,
Anna Salai, Chennai.

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4.The Commissioner,
Dindigul Municipality,
Dindigul District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to disburse the service benefits commutation, gratuity and pension along with other consequential benefits with nominal interest from the date of his retirement dated 31.07.2021 by considering the petitioner's representation dated 30.04.2024 within the time stipulated by this Court.

For Petitioner : Mr.T.Thirumurugan

For Respondents : Mr.M.Ramesh – for R.1 to R.3

Government Advocate

Mr.J.Lawrance for R.4



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ORDER

The present writ petition has been filed seeking a Writ of Mandamus to direct the respondents to disburse the service benefits commutation, gratuity and pension along with other consequential benefits with nominal interest from the date of his retirement dated 31.07.2021 by considering the petitioner's representation dated 30.04.2024 within the time stipulated by this Court.

2. Heard Mr.T.Thirumurugan, learned counsel for the petitioner, Mr.M.Ramesh, learned Government Advocate appearing for the respondents 1 to 3 and Mr.J.Lawrance, learned counsel appearing for the fourth respondent.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.



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4. The learned counsel for the petitioner submitted that the petitioner was working as a Sweeper and he retired from service on 31.07.2021. But till now, the retirement benefits have not been disbursed. On perusal of the order, dated 30.07.2021, which permitted the petitioner to retire, it is seen that there were some audit objections and even that audit objections were with regard certain deductions amounting to Rs.6,120/- which has been deducted in his July, 2021 salary. While so, it is unfair on the part of the respondents to withhold the terminal benefits of the petitioner.

5. The learned counsel for the fourth respondent submitted that in the audit, dated 30.07.2021 itself, it is stated that audit for the period from 2019-2020, 2020-2021 and 2021-2022 has not been completed.

6. But the delay on the part of the respondents to complete the audit for the earlier financial year cannot be a reason



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for withholding the terminal benefits of the petitioner. It is up to the respondents to get an undertaking, if any, from the petitioner if he deems it fit in case the future audit would reveal any due to be paid by the petitioner.

7. In the light of the above observation, this writ petition is **disposed of** with a direction to the fourth respondent to consider the petitioner's representation dated 30.04.2024 and pass orders on its own merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. No costs.

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Index : Yes / No
Internet : Yes / No
NCC : Yes / No

RM



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R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.11807 of 2024

Dated:
06.06.2024