

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 06-07-2015

CORAM

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.19726 OF 2015

E.Shanthi Jayarani

... Petitioner

-vs-

1.The Director of Social Welfare,
Chinthatharipet,
Chennai-600 002.

2.The District Social Welfare Officer,
District Collector's Office Complex,
Thirupur District - 641 604.

... Respondents

Petition under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus, directing the first respondent to issue order regularizing the period from 21.07.2007 to 25.06.2009 as per rules based on the proposal dated 22.01.2014 of the second respondent and further directing the respondents to send proposals to the Accountant General, Tamil Nadu, so as to enable the petitioner to get retiral and pensionary benefits arising out of her services rendered in the Department.

For petitioner : Mr.R.Muthukkannu

For respondents: Mrs.M.E.Rani Selvam,
Addl.Govt.Pleader.

ORDER

The petitioner was working as a Rural Welfare Officer (Woman) at Kollimalai Panchayat Union of Namakkal District. She was transferred to Magudanchavadi Panchayat Union of Salem District by the first respondent vide his order dated 20.03.2007, but, she was relieved on 19.07.2007. She reported for duty at Magudanchavadi Panchayat Union on 20.07.2007, however, she was not allowed to join duty, stating that another person was posted in that place. She was directed to approach the first respondent for posting order to some other place. The representation made by the petitioner went in vain. Hence, she filed W.P.No.26834 of 2008 in this regard, seeking posting order. The said Writ Petition was disposed of on 29.06.2009. Under those circumstances, she was issued posting order and she joined the duty on 26.06.2009.

2. The grievance of the petitioner is that the period from 21.07.2007 to 25.06.2009 is yet to be regularised and she reached the age of superannuation on 31.12.2010. According to her, there was no disciplinary action or criminal proceeding pending against her and she was permitted to retire on reaching the age of superannuation, but the period from 21.07.2007 to 25.06.2009 is yet to be regularised and terminal benefits are not paid, though four years have elapsed after her retirement, and for no fault of her, she is not settled with the terminal benefits.

3. Under these circumstances, the respondents are directed to regularise the service of the petitioner from 21.07.2007 to 25.06.2009 and also pay the wages for the said period. The respondents are also directed to send necessary proposals relating to her retiral benefits, such as Pension, DCRG etc., to the Accountant General, Tamil Nadu, within a period of eight weeks from the date of receipt of a copy of this order.

4. Writ Petition is allowed. No costs. Consequently, the connected M.P.No.1 of 2015 is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

dixit
To

1.The Director of Social Welfare,
Chinthatharipet,
Chennai-600 002.

2.The District Social Welfare Officer,
District Collector's Office Complex,
Thirupur District - 641 604.

3. The Accountant General, Tamil Nadu, Chennai

+1cc to Mr.R. Muthukkannu, Advocate, S.R.No.33703

+1cc to the Government Pleader, S.R.No.33944

MSM(CO)
EU(29/07/2015)

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