

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 03.08.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.23413/2015

C.Rukmani

... Petitioner

Versus

1. The Director of Public Health & Preventive Medicines, DMS Compound Chennai-6.
2. The Deputy Director of Health Services Namakkal.
3. The Medical Officer GPHC O'Sowdapuram, Namakkal District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, to direct the 1st, 2nd and 3rd respondents to forthwith settle the retiral benefits and pension by calculating the fixation of pay, increment, grade pay, with effect from 01.01.2006 and to disburse the same with interest at 24% per annum from the date on which the same fell due till the date of realization on the basis of the representation dated 25.04.2015 and 03.06.2015.

For Petitioner : Mr.L.Chandrakumar

For RR 1 to 3 : Mr.R.Vijayakumar, AGP

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The petitioner would state that she was appointed as Sanitary Worker on 24.02.1988 and after declaration of probation on 23.02.1989, she was absorbed in the said post with effect from her date of initial appointment, i.e., from 24.02.1988. The petitioner has attained the age of superannuation and was permitted to retire vide proceedings of the 3rd respondent dated 30.04.2015. The grievance expressed by the petitioner is that so far, the pensionary benefits have not been disbursed and though disciplinary proceedings

have been initiated against her on account of her alleged absence, it was culminated with "warning" and therefore, there is no impediment on the part of the respondents to disburse the pensionary benefits due and payable to the petitioner and in this regard, she has submitted representations on 25.04.2015 and on 03.06.2015 and since no response is forthcoming, she came forward to file this writ petition.

3.Mr.L.Chandrakumar, learned counsel for the petitioner would submit that since the petitioner was administered with "warning", it does not amount to punishment and hence, there may not be any impediment on the part of the respondents 1 to 3 to favourably consider the representations submitted by the petitioner for disbursement of pensionary benefits and since the said exercise has not been done so far, the petitioner is also entitled to get interest at the rate of 24% per annum from the date on which the pensionary benefits are due and payable to her and prays for appropriate orders.

4.Heard the submissions of Mr.R.Vijayakumar, learned Additional Government Pleader who accepts notice on behalf of the respondents.

5.This Court, taking into consideration the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the 1st respondent to consider and dispose of the petitioner's representations dated 25.04.2015 and 03.06.2015 on merits and in accordance with law and pass orders within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner herein.

6.The writ petition is disposed of accordingly. No costs.

AP

s/d-
Assistant Registrar(CS-III)

True Copy सत्यमेव जयते

Sub-Assistant Registrar

To

1. The Director of Public Health & Preventive Medicines, DMS Compound Chennai-6.
2. The Deputy Director of Health Services Namakkal.
3. The Medical Officer
GPHC O'Sowdapuram, Namakkal District.

+ 1 cc to Mr.L.Chandrakumar, Adocate SR 39658

+ 1 cc to the Govt.Pleader SR 39950

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