



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.08.2015

C O R A M

THE HONOURABLE MR.JUSTICE T.RAJA

Writ Petition (MD) No.15385 of 2015

Sumathysubramanian

... Petitioner

Vs.

1.The Secretary to Government,
Social Welfare & Nutritious Noon Meal
Department, Secretariat,
Chennai 600 009.

2.The Director,
Social Welfare & Nutritious Noon Meal
Department,
2nd Floor, Garments Complex,
Thiru.Vee.Kaa.Industrial Estate,
Guindy,
Chennai 600 032.

3.The District Project Officer,
Integrated Child Development Scheme,
02/2/13, near VVS Marriage Hall,
Aruppukottai Road,
Virudhunagar 626 001.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the first and second respondents i.e. the Secretary to Government Social Welfare & Nutritious Meal Department Chennai and the Director of Social Welfare & Nutritious Meal Department Chennai to regularize the petitioner's leave period in the year 2006 and 2007 and to send pension proposals to the Accountant General, Chennai in respect of the petitioner Tmt.Sumathysubramanian based on the proceedings No.16746/A3(1)/2015 dated 29.05.2015 of the Joint Director Social Welfare(Administration) Department, Chennai and petitioner's representation dated 29.06.2015.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.K.P.Krishnadoss,
Government Advocate.



ORDER

Heard the learned counsel for the petitioner and Mr.K.P.Krishnadoss, learned Government Advocate, who took notice for the respondents. By consent, the writ petition itself is taken up for final disposal at the admission stage.

2.This writ petition has been filed by one Sumathysubramanian who was serving as Supervisor Grade II in the office of the Child Development Project Officer, Aruppukottai was allowed to retire from service on the afternoon of 31.05.2015 as per proceedings No.16746/A3(1)/2015, dated 29.05.2015 issued by the Joint Director, Social Welfare (Administration) Department, Chennai.

3.The grievance of the petitioner is that although the petitioner was allowed to retire from service, till date the pension proposals have not been sent for the reason that the period of leave availed by her namely, from 24.11.2005 to 26.01.2006 and from 27.01.2006 to 09.10.2007 have not been regularized. In this regard, the petitioner has also made representation on 29.06.2015 before the respondents. It is further submitted that in view of the inaction on the part of the respondents, the pension proposals of the petitioner are withheld unnecessarily. Hence, the present writ petition has been filed for the relief stated *supra*.

4.Admittedly, the petitioner was permitted to retire on 31.05.2015 by the Joint Director, Social Welfare (Administration) Department, Chennai by his proceedings dated 29.05.2015. Nevertheless, in the said proceedings it has not been mentioned about the regularisation of her leave period from 24.11.2005 to 26.01.2006 and from 27.01.2006 to 09.10.2007.

5.Learned Government Advocate would submit that the said period was treated as unauthorized absence. However, learned counsel for the petitioner submitted that as against the unauthorized absence, action was initiated against the petitioner departmentally and finally, an order of censure was issued.

6.In view of the above, it is for the respondents 1 and 2 to consider whether the said period should be treated as loss of pay. Therefore, the respondents 1 and 2 are directed to take a decision thereon and send pension proposals to the Accountant General, Chennai on the basis of the proceedings No.16746/A3(1)/2015, dated 29.05.2015 issued by the Joint Director, Social Welfare (Administration) Department, Chennai. Needless to mention that the above said exercise shall be completed within a period of



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

sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
Social Welfare & Nutritious Noon Meal
Department, Secretariat,
Chennai 600 009.

2. The Director,
Social Welfare & Nutritious Noon Meal
Department,
2nd Floor, Garments Complex,
Thiru.Vee.Kaa.Industrial Estate,
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3. The District Project Officer,
Integrated Child Development Scheme,
02/2/13, near VVS Marriage Hall,
Aruppukottai Road,
Virudhunagar 626 001.

+ 1 CC TO MR.S.VISVALINGAM, ADVOCATE IN SR NO. 49285

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR NO. 49712

SMS

TE/JGB-DP/SAR(J) 09/09/2015 3P/6C

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