

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2018

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.28233 of 2008
and
M.P.Nos.1 & 2 of 2008

Chinnammal

..Petitioner

Vs.

1. The Secretary to Government,
Rural Development And Panchayat Raj,
Fort St.George, Chennai - 600 009.
2. The Director of Local fund Audit,
Kuralagam, Chennai - 104.
3. The Director of Rural Development
Panagal Building
Saidapet, Chennai - 600 015.
4. The Commissioner
Edappadi Panchayat Union,
Edappadi, Salem District.

..Respondents

Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in connection with the impugned order passed by him in Mu.Mu.No.05/29727/03 dated 23.09.2003 and quash the same and further direct the 2nd respondent to grant the pension benefits to the petitioner based on the proposal sent by the 4th respondent with interest within a reasonable time.

For Petitioner : Mr.S.Sivakumar
No Appearance

For R1 to R3 : Mr.R.S.Selvam
Government Advocate

For R4 : Mr.I.Pranthamen

O R D E R

This Writ Petition has been filed, to call for the records of the 2nd respondent in connection with the impugned order passed by him in Mu.Mu.No.05/29727/03 dated 23.09.2003 and to quash the same and further to direct the 2nd respondent to grant pension benefits to the petitioner based on the proposal sent by the 4th respondent, with interest within a reasonable time.

2. The petitioner was appointed as conductress by the Commissioner of Panchayat Union, Edapadi, the 4th respondent herein, and she joined the duty on 08.12.1964 in the Panchayat Union, Edapadi. After the successful completion of 27 years of service, the petitioner had applied for voluntary retirement with effect from 28.09.1992 to the appointing authority, the 4th respondent herein, with reference to G.O.Ms.No.1327 P & AR Department dated 27.11.1978. The 4th respondent, after carefully examining the VRS application, had permitted the petitioner to retire from service with effect from 28.09.1992 and the necessary entries were also made in the service register of the petitioner. At the date of her voluntary retirement, pensionary benefit was not in force to the conductress, who was working in the Panchayat Union Elementary School.

3. The Government, by its order dated 10.06.1997, have clarified that the conductress are also eligible for pensionary benefits as applicable to the Panchayat Union Employees. Accordingly, the petitioner's pension proposal have been sent to the Director of Local Fund Audit, Chennai, the 2nd respondent herein, in Na.Ka.No.2115/98 dated 16.07.1999. But, the 2nd respondent has returned the pension proposal with a query, stating that the date of receipt of application for voluntary retirement to be furnished along with the order copy of the voluntary retirement. Even though, the 4th respondent had given suitable reply to the said query and to the further queries of the Director of Local Fund Audit, Chennai, the 2nd respondent had returned the pension proposal by its letter in Mu.Mu.No.05/29727/03 dated 23.09.2003 and had not sanctioned the pension benefits to the petitioner. Hence, the petitioner, with no other alternative, has filed this Writ Petition, to quash the impugned order of the 2nd respondent in Mu.Mu.No.05/29727/03 dated 23.09.2003 and to direct the 2nd respondent, to grant pension benefits to the petitioner, based on the proposal sent by the 4th respondent, with interest within a reasonable time.

4. A counter affidavit has been filed by the 2nd respondent, wherein, it has been stated that the office of the 2nd respondent herein, has received the pension proposal of the

petitioner in full shape only on 13.04.2009, after rectifying the defects as pointed out in Letter K.Dis.No.7530/PUPV5/2009 dated 11.03.2009 from the office of the 4th respondent. The 2nd respondent has verified the same along with the petitioner's service register with reference to the Tamil Nadu Pension Rules, 1978 and full pension has been sanctioned to the petitioner as per the details given vide Letter No.PUP(v)5/14303/09 dated 17.06.2009.

5. Since the prayer of the petitioner has been complied with by the 2nd respondent, nothing survives in this Writ Petition. Hence, the Writ Petition is dismissed as infructuous. No Costs. Consequently, connected miscellaneous petitions are closed.

raja

Sd/-

Assistant Registrar(CS VII)

// True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government,
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2. The Director of Local fund Audit,
Kuralagam, Chennai - 104.
3. The Director of Rural Development
Panagal Building
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+1cc to Government Pleader SR.No.45707

KR/8/10/18

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