

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.02.2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.3607 of 2019

J.Irudhayamari

..Petitioner

vs

1. The District Collector,
Kancheepuram District,
Kancheepuram.

2. Block Development Officer
Thiruporur Panchayat Union
Thiruporur, Kancheepuram District.

3. R.C.Primary School
Madha Kovil Street
Kelambakkam,
Thiruporur Taluk
Kancheepuram District.

..Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd respondent to release the retirement benefits of the petitioner by considering the proceedings of the 1st respondent dated 06.08.2018 in Na.Ka.No.5625/18/Pa.O1/Su.V.Thi.

For Petitioner : Mr.B.Ramprabu

For Respondents : Mr.R.S.Selvam, Government Advocate
for R1
Mr.E.Neelakandan for R2

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O R D E R

The relief sought for in the present writ petition is for a direction to direct the 2nd respondent to release the retirement benefits of the petitioner by considering the proceedings of the 1st respondent dated 06.08.2018.

2.The writ petitioner was employed as an Assistant in the Noon-Meal Scheme from the year 1982 to 31.01.2003, more specifically, at Primary Elementary School at Madha Kovil Street, Kelambakkam. The petitioner had served for more than 15 years. However, the pensionary and other retiral benefits due to the writ petitioner has not been paid so far. Thus, the writ petitioner is constrained to move the present writ petition.

3.The Personal Assistant to the District Collector issued a memo on 06.08.2018, stating that the writ petitioner herself has not submitted any application seeking retiral and pensionary benefits. In this regard, a proposal has to be submitted to the competent authorities for the purpose of considering the case of the writ petitioner for grant of pensionary and the retiral benefits. Thus, the writ petitioner has to collect all the necessary documents including the service particulars and submit an application in the prescribed format claiming pension and pensionary benefits. In the event of submitting an application in the prescribed format by the writ petitioner, the same shall be considered by the respondents on merits and in accordance with law within a reasonable period of time. In view of the fact that the petitioner has not yet submitted the application, this Court is unable to fix any time limit. However, it is made clear that the claim of the writ petitioner is in relation to the pensionary benefits and therefore, the authorities has to dispose of the same without causing any undue delay.

4.With these observations, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Kancheepuram District, Kancheepuram.

2. The Block Development Officer
Thiruporur Panchayat Union
Thiruporur, Kancheepuram District.

+1cc to Mr.B.Ramprabu, Advocate, S.R.No.10430

+1cc to the Government Pleader, S.R.No.11365

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CP(CO)

CS/07/03/2019