



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE **R. MAHADEVAN**

W.P. (MD) No.6756 of 2019

K.Selvarani

... Petitioner

Vs

1.The Principal Secretary,
Social Welfare and Nutritious Meal Department,
Fort St.George, Chennai - 600 006.

2.The Director of Social Welfare
and Nutritious Meal Department,
Second Floor, Panagal Maaligai,
Saidapet, Chennai - 600 015.

3.The District Social Welfare Officer,
Collectorate Building,
Dindigul, Dindigul District.

4.The Programme Officer,
Social Welfare Department,
Collectorate - Dindigul,
Dindigul District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to consider and pass order on the petitioner's representation, dated 09.03.2018 and grant permission along with all pensionary and terminal benefits to the petitioner by taken into account of half of service rendered in consolidated service in the post of Noon Meal Organizer along with regular service in Rural Women Welfare Officer -Grade-II with total of 17 years, 2 months and 3 days as per the Rule 11(4) of Tamilnadu Pension Rule, 1978 from the date of petitioner's retirement on 31.01.2017 within a stipulated period.

For Petitioner : Mr.A.Alexander

For R1 to R4 : Mr.C.M.Marichellaiah Prabhu
Additional Government Pleader

ORDER

Seeking for a direction to the respondents to consider the representation of the petitioner, dated 09.03.2018 and to grant pension along with all pensionary and monetary benefits to him by taking into half of the service rendered in consolidated service in the post of Noon Meal Organizer along with regular service in Rural Women Welfare Officer -Grade-II as per Rule 11(4) of Tamilnadu Pension Rule, 1978, the present writ petition has been filed.



2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 4. By consent, the Writ Petition itself is taken up for final disposal at the stage of admission.

3. It is the case of the petitioner that she was initially appointed as a Nutrition Noon Meal Organizer on 25.06.1982 and from 31.05.2013, she was working as Rural Women Welfare Officer and retired from service on 31.10.2017. After her retirement, her pension proposal was not considered by the respondents on the ground that she has not completed 10 years of service in the said post. In this regard, by relying upon Rule 11 of the Tamilnadu Pension Rules 1978, she sent a representation, dated 09.03.2018 to the respondents. However, the respondents did not consider the said representation so far. This has necessitated the filing of this writ petition.

4. The learned Additional Government Pleader appearing for the respondents, on instructions, submitted that the petitioner's representation would be considered on merits.

5. Under such facts and circumstances of the case, this Court, without going into the merits of the case, directs the respondents to consider the representation of the petitioner, dated 09.03.2018 and pass appropriate orders, on merits and in accordance with law, after affording opportunity of hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

6. The writ petition is disposed of, on the above terms. No costs.

Sd/-

Assistant Registrar (W)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Principal Secretary,
Social Welfare and Nutritious Meal Department,
<https://hcservices.ecourts.gov.in/hcservices/>
Fort St. George, Chennai - 600 006.



2.The Director of Social Welfare
and Nutritious Meal Department,
Second Floor, Panagal Maaligai,
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Social Welfare Department,
Collectorate - Dindigul,
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+1cc to Mr.A.Alexander, Advocate, SR.No. 55865

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CMR
KK/SAR/22.04.2019/3P- 6C

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