



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

WEB COPY

Writ Petition (MD)No.15523 of 2020

S.Sathiyavani

... Petitioner

Vs.

1. The Secretary,
Tamil Nadu Construction Workers Welfare Board,
8, Valluvar Kottam Highway,
Nungampakkam,
Chennai.
2. The Integrated Child Development Scheme Officer,
Senoy Nagar,
Sheme -1,
Madurai.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to release all retirement benefits with revised pension, based on the petitioner's final representation, dated 07.10.2020.

For Petitioner	:	Mr.R.M.Arun Swaminathan
For Respondents	:	Mr.M.Jeyakumar Additional Government Pleader

O R D E R

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

2. This writ petition has been filed for a direction to the respondents to release all the retirement benefits with revised pension, based on the petitioner's final representation, dated 07.10.2020.

3. On 05.09.1982, the petitioner was appointed as Anganwadi Worker in the second respondent Office and she was working in the Office for about 28 years and she was relieved from service on 15.09.2020. Thereafter, she was joined as Junior Assistant in the first respondent Office on 16.09.2010 and she was retired from service on 31.03.2015. Therefore, she is entitled for the retirement benefits along with interest and hence, she made representations to the respondents on 19.07.2017, 03.11.2017, 29.11.2017, 24.01.2018, 23.05.2018, 18.11.2018, 03.11.2019 and on 07.10.2020 and that apart, she has made several representations in person also. However, both



the respondents have not taken any steps to consider the same. Hence, she has approached this Court by filing this writ petition.

4. Mr.M.Jeyakumar, learned Government Advocate appearing for the respondents would submit that at Page No.8 of the typed set of papers, it has been clearly stated that the second respondent has sent all the service registers of the petitioner to the first respondent, vide Letter dated 24.04.2015 and therefore, it is for the first respondent to take appropriate decision to the disbursement of the retirement benefit to the petitioner. He would further submit that the Anganwadi workers are entitled only for terminal benefits and not for pensionary benefits.

5. Upon perusal of the documents and upon hearing both the counsels, it appears that the petitioner was employed for a period of 28 years in the second respondent office and five years in the first respondent office and she relieved from both the office without any remarks and further, the second respondent has also forwarded the entire service records of the petitioner to the first respondent vide Letter, dated 24.04.2015, but the same is pending before the first respondent for the past five years, without assigning any reason for the delay.

6. This Court is unable to trace any justifiable reason for the five years delay in disbursing the terminal benefit of the petitioner by the first respondent. Due to the inaction on the part of the first respondent, now, the petitioner is unable to get her terminal benefit in time which would not only to provide inconvenience to the petitioner but also it is an additional burden to the exchequer to pay five years interest as well.

7. In such circumstances, this Court directs the first respondent to dispose of the representation of the petitioner, dated 07.10.2020, on merits and in accordance with law, within a period of three weeks from the date of receipt of a copy of this order and disburse all the terminal benefits to the petitioner, within a period of eight weeks thereafter, without making any further delay in its decision making process.

8. With the above directions, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

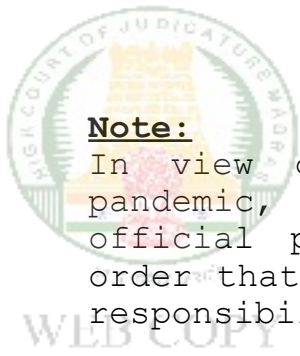
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Sub Assistant Registrar(CS)

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<https://hcservices.ecourts.gov.in/hcservices/>



Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Secretary,
Tamil Nadu Construction Workers Welfare Board,
8, Valluvar Kottam Highway,
Nungampakkam,
Chennai.
2. The Integrated Child Development Scheme Officer,
Senoy Nagar,
Sheme -1,
Madurai.

+1 CC to the SPL GP (SR-21616[F] dated 09/11/2020)

W.P. (MD) No.15523 of 2020
05.11.2020

VR(CO)
CS(26.11.2020) 3P 4C