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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2021

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.25891 of 2014

&

MP.No.1 of 2014 &

WMP.No.23627 of 2017

Tmt.K.Kanakam
461/E, Paramanandal Road,
Thalaivainaickenpettai,
Chengam Post & Taluk-606701,
Thiruvannamalai District.

... Petitioner

Vs

1. State of Tamil Nadu, rep by its
Secretary to Government,
Finance (Pension) Department,
Secretariat, Chennai - 600 009.
2. Chief Executive Officer,
Tamil Nadu Khadi & Village
Industries Board, Kuralagam,
Chennai - 600 108.
3. Assistant Director,
Tamil Nadu Khadi & Village
Industries Board, Kuralagam,
Kumaran Nagar, Avinashi Road,
Tiruppur -3, Tiruppur District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to settle the terminal benefits of the petitioner such as pension, encashment of earned leave and General Provident Fund with interest.

For Petitioner : Mr.C.Selvaraj, Senior Counsel
for M/s.C.S.Associates

For Respondents : Mr.J.Ramesh, AGP



ORDER

The prayer made in the writ petition is to direct the respondents to settle the terminal benefits of the petitioner such as pension, encashment of earned leave and General Provident Fund with interest.

2.It is the case of the petitioner that she joined as Ambar Instructor on 10.11.1957 in the erstwhile Industries Department. Subsequently, she was posted to the Tamil Nadu Khadi & Village Industries Board and was designated as Grade II Assistant. While he was working as Technical Supervisor Grade II, due to health ground, he went on medical leave. Thereafter, she applied for voluntary retirement giving three months notice in May 1981, after having rendered the service of 22 years and 9 months and the same was not considered. She was due to retire from service on 31.10.1991. According to the petitioner, so long as her application for voluntary retirement was not rejected, she is deemed to have retired from service, after completion of notice period and therefore, she is entitled to the terminal benefits, such as pension, encashment of earned leave and General Provident Fund. In this regard, she made repeated representations to the second respondent. However, none yielded any response. Therefore, this writ petition.

3.The learned Senior Counsel appearing for the petitioner submitted that based on the representation sent by the petitioner to the Chief Minister's Special Cell, the second respondent vide communication in Na.Ka.No.1961/2014/01 dated 03.02.2014, directed the third respondent to take action with regard to the claim of the petitioner, however, no steps have been taken, till date. He further submitted that though the petitioner rendered more than 22 years of service, he was not sanctioned any amount towards terminal benefits. Hence, he prayed for appropriate orders in this writ petition.

4.On the other hand, the learned Additional Government Pleader appearing for the respondents fairly submitted that the respondents would consider the claim of the petitioner and pass orders, on merits, within a time frame to be stipulated by this Court.

5.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the respondents to consider the claim of the petitioner pertaining to disbursement of terminal benefits and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.



6. Accordingly, this writ petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

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Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Finance (Pension) Department,
Secretariat, Chennai - 600 009.
2. Chief Executive Officer,
Tamil Nadu Khadi & Village
Industries Board, Kuralagam,
Chennai - 600 108.
3. Assistant Director,
Tamil Nadu Khadi & Village
Industries Board, Kuralagam,
Kumaran Nagar, Avinashi Road,
Tiruppur -3, Tiruppur District.

+1cc to M/s.C.S.Associates, Advocate, S.R.No.3946

+1cc to the Government Pleader, S.R.No.4241

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PCH (CO)
KM(29/04/2021)