



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE **B. PUGALENDHI**

W.P. [MD] .No.9223 of 2021

WEB COPY

K.Saraswathiammal
W/o.Kasiviswanathan

: Petitioner

Vs.

1.The Commissioner,
Hindu Religious Cum Charitable Endowment,
Nungambakam,
Chennai-34.

2.The Joint Commissioner,
Hindhu Religious Cum Charitable Endowment,
Palayamkottai,
Tirunelveli.

3.The Assistant Commissioner,
Hindhu Religious Cum Charitable Endowment,
Thoothukudi District.

4.The Executive Officer,
Arulmigu Mutharamman Thirukovil,
Kulasekaranpatti,
Tiruchendur Taluk,
Thoothukudi District.

: Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to pay the retirements benefits amount including the gratuity with interest at the rate of 18% per annum to the petitioner within the time that may be stipulated by this Court.

For Petitioner	: Mr.D.S.Haroon Rasheed
For R1 to R3	: Mr.J.Ashok
	Additional Public Prosecutor
For R4	: Mr.Muthu Geethaiyan

ORDER

This Writ Petition is filed for a Mandamus, directing the respondents to pay the retirement benefits including the gratuity with interest at the rate of 18% per annum to the petitioner.



2. The case of the petitioner is that the petitioner on 29.09.1994 joined the service of the fourth respondent Temple as a Sweeper of Thooppu Thelippu on temporary basis and thereafter her services were regularised and on 31.05.2017, she retired from service on attaining the age of superannuation. However, the petitioner was not provided with gratuity and other benefits. Therefore, she made a representation dated 14.01.2021 before the respondents. Since the said representation has not been considered till date, the present writ petition is filed.

3. The learned counsel for the respondents submitted that in the year 1994, the petitioner was appointed only as a Sweeper of Thooppu Thelippu on daily wage basis and thereafter, she has been accommodated on consolidated pay and she was brought into time scale of pay only in the year 2011. Thereafter, the petitioner retired from service within a short time, i.e. in the year 2017. At the time of retirement, the petitioner was also disbursed with gratuity and Employee's Provident Fund. He further submitted that the petitioner was appointed permanently on regular time scale in the year 2015 and retired from service in the year 2017. Since the petitioner has not completed 10 years of regular service, she is not entitled for pension. Therefore, the request of the petitioner was rejected by the Commissioner on 19.01.2021 and the same has also been communicated to the petitioner on 31.08.2021.

4. Since the respondents had taken a decision by proceedings dated 19.01.2021, this Court is not inclined to entertain this writ petition. Accordingly, the Writ Petition is dismissed with liberty to the petitioner to challenge the proceedings dated 19.01.2021 in the manner known to law, if she is advised so. No Costs.

Sd/-

Assistant Registrar(CRL SIDE)

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Sub Assistant Registrar(CS)

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To

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Nungambakam, Chennai-34.

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Thoothukudi District.

+1 CC to M/s.M.MUTHU GEETHAYAN, Advocate (SR-37128[F] dated
02/12/2021)

+1 CC to M/s.SPL GP (SR-37229[F] dated 03/12/2021)

**W.P. [MD] .No.9223 of 2021
02.12.2021**

BUC (CO)
TR(21.12.2021) 3P 7C