



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2022

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.40192 of 2015

A.Alamelu

...Petitioner

Vs.

1. Puducherry Corporation for Development of Women & Differently Abled Persons Ltd.,
Rep. by its Managing Director,
30, 2nd Cross street, Pon Nagar,
Reddiyarpalayam,
Puducherry - 605 010.
2. The Director,
Department of Women and Child Development,
No.50, Sithankudi, Saram,
Puducherry - 605 013.
3. Project Officer,
ICDS - Project IV,
Department of Women and Child Development,
Muthialpet, Puducherry - 605 003. ...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the record on the file of the first respondent relating to the impugned order No.31/PCDW&DAP/Estt./2011-2012 dated 28.10.2015, in confirming the date of retirement as 31.08.2015 insofar it seeks to alter the age of the petitioner from 47 years to 51 years as of the year 2006 and the consequential amendment made in the petitioner's service register with respect to the petitioner's age and quash the same in as much as it relates to the retirement of the petitioner and consequently direct the respondents to treat the date of superannuation of the petitioner as 24.03.2018 and continue the petitioner service with all service and other monetary benefits.

For Petitioner : M/s.Usha Ramman

For Respondents : Mr.V.P.Charanraj,
for M/s.V.Usha,
Additional Government Pleader
(Pondicherry)



ORDER

The date of birth in the Service Register of the petitioner while she was engaged as an Anganwadi Helper under the third respondent herein, was altered from 24.03.1958 to 1961. As per the alteration of date of birth, the respondents' claim that the petitioner would be due to retire on 31.08.2015 and not on 31.03.2018. The petitioner herein, has filed a present Writ Petition challenging this alteration of date of birth and seeking for the further period of four years of service.

2. Even assuming that the petitioner's request is now considered, she would have reached the age of superannuation and therefore, would not be entitled for reinstatement into service. Thus, no effective orders can be passed in the prayer sought for in the present Writ Petition.

3. At this juncture, the learned counsel for the petitioner submitted that in view of the pendency of the Writ Petition, even if the petitioner is deemed to have retired on the date claimed by the Department, she would be entitled for all the retirement benefits, which has been withheld. He also submitted that the employees attached to the respondents in the post of Anganwadi worker are entitled for an old age pension of Rs.3,000/- from the date of retirement.

4. Per contra, the learned counsel for the respondents submitted that all the retirement benefits, except the Employees Provident Fund has not been disbursed to the petitioner.

5. In the light of the submissions made, the prayer sought for in the present Writ Petition, does not require interference. However, there shall be a direction to the respondents 2 and 3, to disburse all the retirement benefits payable to the petitioner herein, by taking into account that she had reached the age of superannuation on 31.08.2015, if not already disbursed. In case, the petitioner is entitled for old age pension of Rs.3,000/-, these respondents shall also include orders for payment of such old age pension in the said order. The respondents shall pass such orders disbursing the retirement benefits, within a period of four (4) weeks from the date of receipt of a copy of this order.

6. With the above directions, the Writ Petition stands ordered accordingly. No costs.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//



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To

1. The Managing Director,
Puducherry Corporation for Development of
Women & Differently Abled Persons Ltd.,
30, 2nd Cross street, Pon Nagar,
Reddiyarpalayam,
Puducherry - 605 010.
2. The Director,
Department of Women and Child Development,
No.50, Sithankudi, Saram,
Puducherry - 605 013.
3. The Project Officer,
ICDS - Project IV,
Department of Women and Child Development,
Muthialpet, Puducherry - 605 003.

+1cc to M/s.Usha Ramman, Advocate SR. No. 28137

+1cc to Government Pleader (Puducherry) SR. Nos. 28083, 27800

W.P.No.40192 of 2015

SSN (CO)
PR (24/05/2022)