



W.P.No.26152 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.26152 of 2018

G.Premakumari

...Petitioner

Vs.

1.The Collector,
Thiruvallur, Thiruvallur District.

2.The Block Development Officer,
(Village Panchayats)
Gummidipoondi, Gummidipoondi Taluk,
Thiruvallur District.

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents to settle the Special Provident Fund, Pension and the Lumpsum amount payable to the post of Noon Meal Organiser and all other pensionary benefits due to the Petitioner within a time limit to be stipulated by this Hon`ble Court.

For Petitioner : Mr.M.Ravikumar

For R1 : Mrs.E.Indhumathi
Government Advocate

For R2 : Mr.G.B.Rajesh



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ORDER

The relief sought for in the present writ petition is for a direction to direct the Respondents to settle the Special Provident Fund, Pension and the Lumpsum amount payable to the post of Noon Meal Organiser and all other pensionary benefits due to the Petitioner.

2. The petitioner was working as Noon Meal organizer at Panchayat Union Elementary School, Arambakkam, Gummidipoondi Taluk, Thiruvallur District. She was initially appointed on 22.06.1984 as Noon Meal organizer. The petitioner states that she was suffering from health issues and on account of certain pressure, submitted a letter of resignation on 08.01.2015. The resignation letter was submitted to the Commissioner, Gummidipoondi Panchayat Union / 2nd respondent. The petitioner states that the 2nd respondent did not passed any order either accepting or rejecting the resignation letter submitted by the petitioner. The affidavit filed by the petitioner further states that the petitioner was deemed to have resigned from service, since no final order has been passed on the resignation letter submitted by the writ petitioner on 08.01.2015.



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3. The petitioner was due to retire from service on 31.05.2017. On account of personal reasons, she had resigned the job on 08.01.2015.

4. The grievances of the writ petitioner is that no order has been passed on the resignation letter submitted by her and even after the date of Superannuation i.e., on 31.05.2017, the Special Provident Fund, Pension and other benefits due to her are yet to be settled.

5. In this regard, the petitioner submitted a representation to the District Collector, Thiruvallur District and the District Collector called for a report from the 2nd respondent. However, the benefits due to her are not settled and thus, the petitioner is constrained to move the present writ petition.

6. The learned counsel for the petitioner states that the letter of resignation was admittedly not accepted by the respondents nor an order has been passed. Therefore, the petitioner is entitled for the benefits.



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7. The learned counsel appearing on behalf of the second respondent /

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Block Development Officer made a submission that the petitioner was employed as a Noon Meal Organiser in Panchyat Union Elementary School, Arambakkam, Gummudipoondi Taluk, Thiruvallur District on 22-6-1984. When she was working as Noon Meal Organiser on 24-1-2014, she has not provided food for the school children in time and in this regard, she threatened the teacher and Headmaster in disrespectful manner. Based upon which, on 25-11-2014, the Block Development Officer made a spot inspection and found that the allegations against her was true. In this regard, the Block Development has sent the letter No.913/2013/m5, dated 25-11-2014 to the District Collector to take necessary action against the petitioner. As the District Collector proceeding Rc.No.2300/2014/NMP-1 dated 03-12-2014, transferred the petitioner to Kuruvattucheri Middle School. The petitioner refused to obey the transfer order and resigned her job. To avoid the transfer order, the petitioner resigned her job and left the same, even though the Gummudipoondi Panchayat Union Commissioner refused to accept the resignation through Letter Rc.No.913/2013/AS dated 22-12-2014 informed to the petitioner and she also acknowledged the same. Since she



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resigned the job, she is not entitled for Special Provident Fund, Pension and lumpsum amount. Moreover, the person who retired from service due to superannuation or on Voluntarily Retirement Scheme or retire from service due to disability only, the concerned person is entitled for lumpsum amount. Otherwise, they are not eligible for getting lumpsum amount.

8. The 2nd respondent has further stated that the Commissioner, Gummidipoondi Panchayat Union has refused to accept the resignation letter dated 22.12.2014. The said order pertains to the earlier resignation letter submitted by the writ petitioner was concerned.

9. However, as per the affidavit filed in support of the present writ petition, the writ petitioner has again submitted a resignation on 08.01.2015, which was not responded by the 2nd respondent. Thus, the refusal of resignation letter by the Commissioner, Gummidipoondi Panchayat Union in letter dated 22.12.2014, has no relevance with reference to the subsequent resignation letter submitted by the writ petitioner on 08.01.2015 as stated in paragraph 3 of the affidavit filed in support of the writ petition.



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10. As far as the said resignation letter is concerned, it is relevant to consider Rule 41-A of the Tamil Nadu State and Subordinate Service Rules, which contemplates that *“If no order is passed on the resignation letter, it is deemed to have been accepted on the expiry of the period of three months notice”*. In this regard, the petitioner herself has stated in paragraph 3 of the affidavit that she is deemed to have resigned from service. When the petitioner herself admitted that she had submitted a resignation on 08.01.2015 second time and the authorities have not passed any orders on that, then the said resignation letter is deemed to have been accepted under the rule cited supra.

11. Therefore, she is not entitled for the relief as such sought for in the present writ petition. If at all the contribution made by the petitioner is to be reimbursed, she is at liberty to approach the competent authorities for the purpose of getting the eligible benefits as per the rules in force.



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12. With this liberty, the writ petition stands dismissed. No costs.

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Index : Yes
Speaking order: Yes
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To

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2. The Block Development Officer,
(Village Panchayats)
Gummidipoondi, Gummidipoondi Taluk,
Thiruvallur District.



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S.M.SUBRAMANIAM, J.

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