



W.P.(MD)No.3194 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.3194 of 2020

S.Deevathilagai

... Petitioner

Vs.

1. The District Collector,
District Collector Office,
Thanjavur District.

2. The Assistant Director,
Town Panchayat,
Thanjavur Zone,
District Collectorate,
Thanjavur.

3. The Executive Officer,
Town Panchayat Office,
Thirividaimarudur,
Thanjavur.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the proceedings of the second respondent in Na.Ka.No.52/2014 Peru3



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dated 23.08.2014 and quash the same as illegal and consequently, to direct the respondents to provide the petitioner with monetary benefits for the service of her husband under the third respondent within a time period that may be stipulated by this Court.

For Petitioner : Ms.P.Yasmin Begum
For Respondents : Mr.G.Vairam Santhosh
Addl. Govt. Pleader for R1 and R2
Mr.D.Sadiq Raja for R3

ORDER

This Writ Petition has been filed to call for the records of the proceedings of the second respondent in Na.Ka.No.52/2014 Peru3, dated 23.08.2014, quash the same and consequently, direct the respondents to provide the monetary benefits to the petitioner for the service of her husband under the third respondent.

2. The case of the petitioner is that the petitioner's husband was initially appointed as Temporary Junior Assistant in Kumbakonam Taluk Office, Kumbakonam, vide Government Order in G.O.(Ms).No.85, Personnel and Administrative Reforms (Per.G) Department, dated 04.07.2003 along with 15,000 persons. Thereafter, he continued his



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service in the same cadre for about nine years, i.e., from 04.07.2003 to 14.02.2012 with basic salary of Rs.4000-Rs.5000/-. Even though, he has been paid with minimum salary, his working hours was for about 12 hours daily and apart from that, he was asked to do additional works in Sundays and other certain periods. Thereafter, the first respondent vide proceedings, dated 29.02.2012 regularised his services and appointed him as Tax Thunderbolt in the third respondent's Office. While so, on 31.01.2014, he retired from service and subsequently, he died on 23.02.2014 due to his illness leaving behind the petitioner and six daughters as his legal heirs. In this regard, the petitioner made a representation to the Chief Minister Cell, Chennai and the first respondent, to disburse the retirement benefits of her husband. Pursuant to that, the second respondent rejected the petitioner's representation. Challenging the same, the present Writ Petition.

3. The learned counsel appearing for the petitioner would submit that the second respondent rejected the petitioner's representation on the ground that the petitioner was appointed as Tax Thunderbolt in the year



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2012 and thereafter, he passed away within two years and therefore, he is not entitled for any benefits.

4. The learned Additional Government Pleader appearing for the respondents would submit that though the petitioner's husband is not entitled for retirement benefits, he is entitled only for Earned Leave benefits and other admissible benefits, for which, the amount would be disbursed to the petitioner.

5. Heard the learned counsel appearing for the parties and perused the materials placed before this Court.

6. Considering the limited request made by the learned counsel appearing for the petitioner, this Court, without interfering with the order impugned in this Writ Petition, directs the respondents to disburse the Earned Leave benefits and other admissible benefits to the petitioner for the service of her husband within a period of six weeks from the date of receipt of a copy of this order.



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7. With the above direction, this Writ Petition is disposed of. No

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costs.

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Index : Yes / No

Speaking Order : Yes / No

vji

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