



W.P(MD)No.21419 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.11.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.21419 of 2022

C.Poonuthai

... Petitioner

Vs

1.The Additional Chief Secretary to Government,
Social Welfare and Women Empowerment Department,
Secretariat,
Chennai – 600 009.

2.The Director of Social Welfare,
Commissionerate of Social Welfare,
No.1, Panagal Building 2nd Floor,
(Near Kalaignar Arch), Jennis Road,
Saidapet,
Chennai – 600 015.

3.The Commissioner,
Panchayat Union,
Dindigul.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent i.e., the Additional Chief Secretary to Government, Social Welfare and Women Empowerment Department, Chennai to disburse the Encashment of Leave Salary and Special Provident Fund to the petitioner, as per the settled legal



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position by the Hon'ble Supreme Court and recommendation of the Block Development Officer, Panchayat Union, Dindigul in his letter No.Na.Ka. 2627/2022/A2 dated 08.08.2022, within a specified time frame, that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.A.K.Manikkam
Special Government Pleader
for R.1 & R.2

Mr.S.Shaji Bino
Special Government Pleader for R.3

ORDER

Heard the learned counsel on either side.

2. The writ petitioner was employed as Extension Officer (Social Welfare). She reached the age of superannuation on 30.11.2014. She was however not allowed to retire in view of pendency of Spl.S.C.No.9 of 2015 on the file of Chief Judicial Magistrate, Dindigul. All that the petitioner seeks is disbursement of the petition mentioned terminal benefits such as encashment of leave salary and special provident fund amount. It is well settled that these amounts cannot be withheld for any reason whatsoever.

3. The learned Special Government Pleader appearing for the respondents would place reliance on G.O(Ms)No.100 (Human Resources



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Management (FR.II) Department), dated 07.09.2022. I have held in more than one case that this Government Order cannot be retrospectively applied. No exception can be taken to the writ petitioner's request. The respondents are directed to disburse the petition mentioned benefits forthwith and without any delay. This writ petition is allowed. No costs.

16.11.2022

Index : Yes / No
Internet : Yes/ No
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To

- 1.The Additional Chief Secretary to Government,
Social Welfare and Women Empowerment Department,
Secretariat,
Chennai – 600 009.
- 2.The Director of Social Welfare,
Commissionerate of Social Welfare,
No.1, Panagal Building 2nd Floor,
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- 3.The Commissioner,
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G.R.SWAMINATHAN, J.

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