



W.P(MD)No.21934 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.21934 of 2022

and

W.M.P(MD)Nos.16077 & 16078 of 2022

S.Kaveri

... Petitioner

Vs

- 1.The State Represented by
The Principal Secretary,
Home (Police.15) Department,
Secretariat,
Chennai.
- 2.The State Represented by
The Secretary,
Finance (Pension) Department,
Chennai.
- 3.The Director General of Police,
Office of the Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai.
- 4.The Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.



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5.The Accountant General,
Accounts and Entitlement,
Nanthanam,
Chennai – 18.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the fourth respondent in Na.Ka.No. J.4/29607/2017 dated 05.05.2017 and quash the same as illegal and consequently direct the respondents to disburse the service and pension benefits of the petitioner' s Mother, namely, Muniyammal, W/o.Karuppan to the petitioner with interest within the time stipulated by this Court.

For Petitioner : Mr.T.Thirumurugan

For Respondents : Mr.R.Suresh Kumar
Additional Government Pleader
for R.1 to R.4

Mr.P.Gunasekaran
Standing Counsel for R.5

ORDER

Heard the learned counsel on either side.

2. The petitioner's mother Muniyammal had served the Police Department as cleaner on part-time basis for a long number of years. She was regularized in service with effect from 07.08.2009. In the typed set of papers, a



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copy of the memorandum issued in November 2009 has been enclosed and it is seen there from that 38 part-time sweepers had been regularized in service. The petitioner's mother's name is figuring at Sl.No.17. Muniyammal reached the age of superannuation on 31.01.2011. The proceedings permitting her to retire were issued on 16.12.2013. The case of the petitioner is that her mother was not paid the retirement benefits. When demand was made, impugned order has been passed. Challenging the same, the present writ petition has been filed.

3. The learned Additional Government Pleader appearing for the respondents endeavors to sustain the impugned order. I am of the view that it has to be set aside. The impugned order contains only one reason, that the deceased Muniyammal was a part-time employee. This is incorrect. Her services were regularized in November 2009 itself. In this view of the matter, the order impugned in the writ petition is set aside. The matter is remanded to the file of the fourth respondent. The fourth respondent shall revisit the issue and if according to him, the legal heirs of Muniyammal are entitled to any benefits, the same shall be disbursed. This entire exercise shall be completed within a period of sixteen weeks from the date of receipt of a copy of this order.



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4. This writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No

Internet : Yes/ No

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- 2.The Secretary,
Finance (Pension) Department,
Chennai.
- 3.The Director General of Police,
Office of the Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai.
- 4.The Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram District,
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- 5.The Accountant General,
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