



W.P(MD)No.6322 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.6322 of 2023

G.Pauline Hepzibah

... Petitioner

Vs

- 1.The Chairman and Managing Director,
Tamil Nadu Police Housing Corporation Limited,
No.132, EVR Salai,
Kilpauk,
Chennai – 600 010.
- 2.The General Manager {F&A} Cum Company Secretary,
Tamil Nadu Police Housing Corporation Limited,
No.132, EVR Salai,
Kilpauk,
Chennai – 600 010.
- 3.The Superintending Engineer,
South Circle,
Tamil Nadu Police Housing Corporation Limited,
No.1, Inspector Quarters, TSP 6th Battalion Campus,
New Natham Road,
Madurai – 625 014.
- 4.The Executive Engineer,
Tamil Nadu Police Housing Corporation Limited,
Trichy Division, TSP 1st Battalion Campus,
Trichy – 620 012.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to issue relieving order on the eve of her superannuation on 31.03.2020 with all attendant and retirement benefits.

For Petitioner : Mr.K.K.Kannan

For Respondents : Mr.T.Villavan Kothai
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2. The writ petitioner Mrs.Pauline Hepzibah joined the respondent Corporation as Nominal Muster Roll (NMR) employee in the year 1998. She was appointed as typist vide proceedings dated 17.05.2013. A mere perusal of the said order indicates that the petitioner was appointed only on regular basis. That is clear from the fact that the petitioner was placed under probation for a period of two years from the date of her joining. Thereafter, annual increment was also sanctioned vide proceedings dated 12.11.2014. Copy of the same has been enclosed in the typed set of papers. The petitioner is figuring at serial number 16 in the said order. The petitioner also wrote the departmental examination conducted by Tamil Nadu Public Service Commission (TNPSC) in



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May 2015 and she passed in account test for Subordinate Officers Part I. The petitioner reached the age of superannuation on 31.03.2020. The grievance of the petitioner is that she was not issued with any relieving order following her superannuation. She was also not paid any retirement benefit. That led to filing of this writ petition.

3. The respondents have filed counter affidavit. It is fairly stated in the counter affidavit that the respondent corporation being a Government Organization follows all the instructions issued by the Government from time to time. The only objection taken in the counter affidavit is that the petitioner is only a temporary employee and therefore he is not eligible to claim any benefit. The learned Additional Government Pleader took me through the contents set out in the counter affidavit and pressed for dismissal of the writ petition.

4. After considering the rival contentions and went through the materials on record, I am more than satisfied that the petitioner was a regular employee of the respondent Corporation. It is true that she served the respondent Corporation as a regular employee for little less than 7 ½ years. That cannot be put against the petitioner. Whatever the benefits that are payable to the petitioner ought to have been paid.



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5. As rightly pointed out by the learned counsel appearing for the petitioner, any employee who has put in service for more than five years is entitled to gratuity. It is also seen that deductions were made from the petitioner's salary towards her Provident Fund contribution. This amount along with the employers matching contribution should be paid to the petitioner. Any Government employee will also be entitled to few other benefits such as being the member of the Health Insurance Scheme.

6. I refrain from quantifying or cataloging the benefits payable to the petitioner. However, I declare that the petitioner was very much a regular employee of Tamil Nadu Police Housing Corporation Limited and that therefore the first respondent is obliged to issue not only a formal relieving order but also settle all the benefits payable to the petitioner. This shall be done within a period of eight weeks from the date of receipt of a copy of this order.

7. This writ petition is allowed. There shall be no order as to costs.

26.04.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA



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G.R.SWAMINATHAN, J.

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