



W.P.(MD) No.1644 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(MD) No.1644 of 2019

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... Petitioner

vs.

- 1.The District Collector,
Thanjavur District, Thanjavur.
- 2.The District Educational Officer,
Kumbakonam, Thanjavur District.
- 3.The Commissioner,
Thiruvidaimaruthur Panchayat Union,
Thiruvidaimaruthur,
Thanjavur District.
- 4.The Block Development Officer,
Thiruvidaimaruthur,
Thanjavur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to give the petitioner's retirement benefits and pension benefits for servicing as Noon Meal Assistant in the Government Middle School, Thirumangalakudi and Maathar Mandram Primary School, Thirumangalakudi, Thiruvidaimaruthur Taluk, Thanjavur District based on the petitioner's representation dated 19.06.2017.

For Petitioner : Mr.G.Gomathi Sankar

For Respondents : Mr.J.John Rajadurai

Government Advocate for R1, R2 & R4

Mr.M.Jeyakumar for R3



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ORDER

The writ petition is filed for a Mandamus directing the respondents to grant the petitioner's retirement and pension benefit for serving as Noon Meal Assistant in the Government Middle School, Thirumangalakudi and Maathar Mandram Primary School, Thirumangalakudi, Thiruvudaimaruthur Taluk, Thanjavur District based on her representation dated 19.06.2017.

2. The learned counsel for the petitioner would submit that the petitioner has worked in the post with effect from the year 1989, in which she was appointed upto the year 2004. Therefore, the petitioner should be conferred with the retiral and other benefits which may be due to her.

3. The writ petition is resisted by the respondents by filing a counter affidavit. As per paragraph 3 of the counter affidavit it is seen that the petitioner was originally appointed as a Noon Meal Assistant at the Aided Primary School, Thirumangalakudi and joined duty with effect from 01.07.1989. There she developed a difference of opinion with the Noon Meal Organizer pursuant to which, she was stopped from work from 30.09.1995. Thereafter, it seems that she is again appointed as Noon Meal Assistant at the Noon Meal Centre, Panchayat Union Middle School, Thirumangalakudi from



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04.09.1997. However, when she was working in the said place, she deserted the service from the month of May 2004. Therefore, it can be seen that even before the petitioner could be brought under time scale of pay or being absorbed in any regular post, she deserted her post, eventhough her date of retirement falls only in the year 2014.

4. In that view of the matter, the petitioner is not entitled for any of the benefits which is prayed for in the writ petition. Finding no merits, this Writ Petition stands dismissed. No costs.

05.09.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

- 1.The District Collector,
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D.BHARATHA CHAKRAVARTHY, J.

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