



W.P.(MD).No.16530 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.16530 of 2023

M.Chandra devi

... Petitioner

Vs.

1.The Secretary to Government,
Municipal Administration,
and Water Supply Department,
Fort St.George,
Chennai-600 009.

2.The Commissioner of Municipality,
Sattur Panchayat,
Virudhunagar District.

3.The Assistant Director,
Local Government Audit Movement,
Integrated Judicial Office Complex,
4th floor,
Nandhanam,
Chennai-600 035.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to sanction the entire amount of Terminal benefits, Gratuity and Pensionary benefits of the petitioner from the date of appointment of husband, namely, Mahalingam on 11.10.1999 along with interest at the rate of 12% per annum as



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per the Government order within a specific time frame as fixed by this Court the petitioner's on the basis of representation, dated 07.12.2022.

For Petitioner : Mr.M.Sankar
For R-1 & R-3 : Mr.M.Prakash
Additional Government Pleader
For R-2 : Mr.Om Prakash
Additional Government Pleader

ORDER

The present writ petition has been filed seeking direction to the respondents to sanction the entire amount of Terminal Benefits, Gratuity and Pensionary Benefits of the petitioner from the date of appointment of husband, namely, Mahalingam on 11.10.1999 along with interest at the rate of 12% per annum as per the Government order within a specific time frame as fixed by this Court, the petitioner's on the basis of representation, dated 07.12.2022.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.



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3. Heard the learned Counsel for the petitioner and the learned Additional Government Pleader for the respondents and carefully perused the materials available on record.

4. The petitioner's husband was selected and appointed as Gardener on being sponsored by the District Employment Exchange by the third respondent on 29.12.1983. The petitioner's husband joined his duty with effect from the forenoon on 31.12.1983 as Gardener. In the light of G.O(Ms)No.528 of the Personnel and Administrative Reforms Department, dated 10.10.1988, the Government has stated that those employees drawing emoluments from contingent fund, who were selected through employment exchange, their services may be brought under regular employment as and when vacancies arise without referring to employment exchange. Hence, on the eve of vacancy for the post of Tap Cleaner in the office of the Executive Engineer, Sanitary Officer and Water Supervisor, Sattur as per G.O(Ms)No.125, dated 27.05.1999 of the Municipal Administration and Water Supply (Peru.3) Department, dated 27.05.1999, the petitioner's husband was posted as Tap Cleaner on regular pay on 05.10.1999 and thereafter, the petitioner's husband's services was regularised from the date of appointment. The petitioner's husband was also



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brought into regular time scale of pay with effect from 05.10.1999 and retired from service on 30.06.2015.

5. While so, the petitioner's husband's pension proposal was returned from the second respondent on 31.12.2014 for the reason that the service of the petitioner's husband could be regularised only from 23.02.2006 and hence, the petitioner's husband is entitled for contributory pension scheme alone. As against which, the petitioner's husband approached this Court and filed a writ petition in W.P(MD)No.203 of 2020 seeking Terminal Benefits, Gratuity and Pensionary Benefits. This Court was inclined to allow this writ petition by specifically directing the second respondent to consider the petitioner's representation, dated 07.03.2019 on its own merits and pass appropriate orders, even then the said post was not considered. However, in the meanwhile, the petitioner's husband died on 11.12.2020. Hence, left with no other option, the petitioner had sent a representation to the concerned authority on 30.01.2021, requesting to release all the terminal benefits of her husband. Due to callousness and laziness of the respondents, the petitioner further made a representation on 07.12.2022. That was also not considered for the past nearly 6 months.



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6. Hence, this Court is inclined to allow this writ petition, directing the respondents to sanction the entire amount of Terminal benefits, Gratuity and Pensionary Benefits of the petitioner's husband along with interest at the rate of 6% per annum as per the Government order in accordance with law and the applicable norms on the basis of petitioner's representations dated 30.01.2021 and 07.12.2022 within a period of twelve (12) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

10.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

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BTR

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