



W.P.(MD).No.17941 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.17941 of 2020

M.Eswari

...Petitioner

Vs.

1. The District Collector,
Dindigul District,
Dindigul.

2. The District Project Officer,
Integrate Child Development Scheme,
Dindigul District,
Dindigul.

3. The Regional Children Development Project Officer,
Oddanchatram,
Dindigul District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the first respondent in his proceedings in Na.Ka.No.359/A1/2019, dated 30.03.2020 and quash the same and consequently direct the respondents 1 and 2 to give retirement monetary benefits and pension benefits to the petitioner.



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For Petitioner : Mr.G.Gomathi Sankar
For Respondents : Mr.J.Ashok
Additional Government Pleader

ORDER

The present Writ Petition has been filed to quash the order passed by the first respondent herein, rejecting the request of the writ petitioner for payment of pension and pensionary benefits.

2. The petitioner was appointed as an Anganwadi worker, under the Integrated Child Development Programme on 01.06.1989. The petitioner had submitted her resignation letter on 11.03.2019 citing family circumstances. This resignation letter was accepted by the second respondent herein, vide his order, dated 25.03.2019.

3. The petitioner herein on 08.07.2019 addressed her representation to the respondents 1 and 2 herein to the effect that instead of mentioning that she would like to go on a Voluntary Retirement, she had mistakenly submitted a resignation letter. Hence, she requested for recalling the order, dated 25.03.2019.



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4. Since the representation was not considered, the petitioner had filed Writ Petition in W.P(MD) No.26557 of 2019 for a mandamus to grant pension and other benefits. This Court, by an order, dated 13.12.2019 had directed the respondents to consider the representation of the petitioner. Pursuant to the said order, the present impugned order has been passed by the first respondent herein on 30.03.2020 rejecting the request of the petitioner for pension and other benefits. Challenging the said order, the present writ petition has been filed.

5. According to the learned counsel appearing for the petitioner, the writ petitioner, being an illiterate lady, by mistake, had submitted a resignation letter instead of filing Voluntary Retirement application. As per G.O.(Ms) No.32, Social Welfare and Nutritious Meal Programme (SW-7) Department, dated 30.04.2015, the Voluntary Retirement Scheme is applicable to the Anganwadi workers and they are also eligible for pension and other benefits in the said Scheme. However, the first respondent has not properly appreciated the said Government Order and has rejected the said representation filed by the writ petitioner.



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6. Per contra, the learned Additional Government Pleader appearing for the respondents contended that the petitioner had submitted the resignation letter on 11.03.2019 and it was accepted only after a period of two weeks. The petitioner waited for another four months to submit a representation to alter the relieving order to that effect of voluntary retirement. Unless the petitioner proved that she had invoked the Voluntary Retirement Scheme on medical grounds, she would not be entitled to any benefits under the said Government Order.

7. I have carefully considered the submissions made by the learned counsel on either side and perused the material on records.

8. There is no dispute that the petitioner had submitted the resignation letter on 11.03.2019 which was accepted by the competent authority after two weeks on 25.03.2019. The petitioner has not made any attempt to withdraw the resignation letter in between the two weeks' period. The petitioner has filed a representation after the period of four months on 04.07.2019 requesting the authorities to recall the impugned order and convert the same as the Voluntary Retirement.



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9. A perusal of G.O.(Ms) No.32 Social Welfare and Nutritious Meal Programme (SW-7) Department, dated 30.04.2015, reveals that the Anganwadi workers who voluntarily resign the job on medical grounds alone, are entitled to the benefits of pension and other benefits. In the present case, admittedly, at the time of resignation, the petitioner has not mentioned any medical grounds. Even at the time of a representation on 08.07.2019, the petitioner had vaguely mention that due to her health conditions, she wanted to quit the job.

10. No medical records were enclosed even along with the said representation. Therefore, even assuming that the Voluntary Retirement Scheme is applicable to the writ petitioner, since the petitioner has not filed any Medical Certificate or made out the case on medical grounds, the petitioner would not be eligible for any pension and other benefits.



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11. In view of the above said deliberations, there are no merit in this writ petition. Accordingly, this Writ petition stands dismissed. There shall be no order as to costs.

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

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R.VIJAYAKUMAR,J.

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