



W.P(MD)No.19636 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2023

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THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.19636 of 2023

K.Petchiammal

... Petitioner

Vs.

The Commissioner,
Thoothukudi City Municipal Corporation,
Thoothukudi,
Thoothukudi District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to provide the retirement benefits with current rate of interest to the petitioner.

For Petitioner : Mr.S.Louis

For Respondent : Mr.N.Anandha Kumar
Standing Counsel



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ORDER

The present writ petition has been filed by a retired Sanitary Worker of the respondent Corporation seeking a Mandamus for disbursement of the terminal benefits.

2. According to the learned Counsel appearing for the writ petitioner, the petitioner had attained superannuation on 31.12.2021. However, the terminal benefits are yet to be released.

3. The learned Standing Counsel appearing for the respondent Corporation pointed out that the petitioner has neither vacated the quarters nor paid rent for the said quarters. Therefore, their pension papers have not been processed.

4. The learned Counsel appearing for the petitioner brought to the notice of the Court the order of the Hon'ble Division Bench of this Court in W.P(MD)No.10068 of 2013, dated 05.07.2017. The said writ petition has been filed by Selvanayapuram Colony Kudiyirupor Nalasangam as against the



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Revenue Officials and the Commissioner of Thoothukudi Corporation. The order is extracted as follows:

"The members of the petitioner's association are stated to be in occupation of the land belonging to Tuticorin Corporation. When action was taken to evict them from the land belonging to the Corporation, the association has come up with this writ petition.

2. We have heard the learned Counsel for the petitioner; the learned Additional Government Pleader for the respondents 1 and 3 and the learned Standing Counsel for the second respondent.

3. The members of the petitioner's association are all stated to be sanitary workers. According to the Corporation, 225 persons are encroachers and it was only to prevent the Corporation from evicting them, the association has come up with this writ petition.

4. We direct the respondents 1 and 2, to ascertain the feasibility of allotting alternative site to the petitioners. In case, it is found that such a step is not feasible, taking into account the prevailing position in the Tuticorin Municipality, it is open to the Commissioner to take appropriate action for eviction, of course, after following due process of law.

5. The writ petition is disposed of with the above direction."



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5. In view of the orders of the Hon'ble Division Bench of this Court, the Tuticorin Corporation has to take steps to evict anyone of the occupants of the quarters only after following due process of law. So far the Corporation has not initiated any proceeding for evicting the petitioner or other members of the Association. Therefore, the question of raising objection with regard to the occupation of the quarters or vacation of the quarters for disbursement of the terminal benefits is not legally sustainable.

6. The learned Standing Counsel appearing for the respondent Corporation brought to the notice of the Court that the petitioner is in rental arrears for the said quarters to a tune of about Rs.64,917/- up to December 2023.

7. In the light of above said facts, this Court passes the following order:

"(i) The respondent Corporation is directed to process the pension papers and release the pension.

(ii) After retaining a sum of Rs.64,917/-, the balance terminal benefits shall be released to the writ petitioner within a period of eight (8) weeks from the date of receipt of a copy of this order.



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(iii) The petitioner shall continue to pay rent at the rate of Rs.1000 per month from January 2024 till he is evicted by following the due process of law."

8. With the above said direction, this writ petition stands disposed of.

There shall be no order as to costs.

08.12.2023

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

To

The Commissioner,
Thoothukudi City Municipal Corporation,
Thoothukudi,
Thoothukudi District.



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R.VIJAYAKUMAR, J.

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