



W.P.(MD).No.26185 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.26185 of 2023

R.Muthu

Vs.

... Petitioner

1. The District Collector,
Virudhunagar District,
Virudhunagar.
2. The Personal Assistant to
District Collector,
(Noon-Meal)
Virudhunagar District,
Virudhunagar.
3. The Block Development Officer,
(Village Panchayats)
Kariyapatti Panchayat Union,
Virudhunagar District.
4. The Head Master,
Panchayat Union Primary School,
Kila Kanjirangulam Village,
P.Pudhupatti Post,
T.Chettikulam Village Panchayat,
Kariyapatti Taluk,
Virudhunagar District.



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5. Vengaimaran
Panchayat President,
T.Chettikulam Village Panchayat,
Kariyapatti Panchayat Union,
Virudhunagar District.

... 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 2 and 3 to pay arrears of Salary, Bonus, Death Cum Retirement benefits of Alagammal, W/o.Ramamoorthy, in view of the representation dated 02.05.2023.

For Petitioner : Mr.M.Jothi Basu

For Respondents : Mr.S.Shaji Bino
Special Government Pleader
for R1, R2 and R4

: Mr.N.Muthuvijayan
Special Government Pleader
for R3

ORDER

The present writ petition has been filed by one of the sons of a deceased Noon Meal Worker seeking a Mandamus for payment of salary from September 2020 onwards.



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2. According to the writ petitioner, his mother, namely, Alagammal was working as a Cook in the Noon Meal Centre. Suddenly, salary was withheld from September 2020 onwards. Though she was working till her death on 16.09.2022, salary was not paid for the said period. Hence, the present writ petition.

3. The learned Special Government Pleader appearing for the respondents brings to the notice of this Court that the deceased Alagammal had already crossed the age of superannuation even in September 2020 and she was directed to produce her age certificate. Since she has not produced the said certificate, the salary was not disbursed.

4. A perusal of the legal heir certificate filed on the side of the petitioner clearly indicates that as on the date of the death of Alagammal, her eldest son was aged about 64 years. Therefore, the contention on the side of the respondents that Alagammal had crossed the age of superannuation, namely, 58 years even in September 2020, is legally sustainable and there are no merits in the writ petition.



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5. Accordingly, this writ petition stands dismissed. There shall be no order as to costs.

22.11.2023

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

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Virudhunagar District,
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