



W.M.P.No.9120 of 2024

in

W.P.No.6753 of 2023

D.BHARATHA CHAKRAVARTHY, J.

The writ petition was filed by the petitioner for a mandamus directing the respondents to release the retirement benefits including the monthly pension and other consequential relief.

2. The petitioner joined service in Pondicherry Municipality on 05.10.1989 and retired from service on 31.07.2022. Shockingly, till date, no retirement benefits have been paid to the petitioner including PF amount.

3. When the writ petition came up for hearing, the respondents have filed an affidavit before this Court. In Para 5 of the affidavit, the amount which are to be paid to the petitioner are all admitted, same is extracted hereunder:-

“5.I humbly submit that the petitioner worked as Office Manager in Pondicherry Municipality and retired from service on attaining the age of superannuation with effect from 31.07.2022 AN. I humbly submit that 50% of the last pay drawn will be reckoned as pension as per the Central Civil Services (Pension) Rules, 1972. Accordingly, the pension of



the petitioner was arrived at Rs.36,050/- as the pay last drawn by him was Rs.72,010/- per month. I humbly submit that the Assistant Examiner, Local Fund Accounts, Puducherry has issued necessary Pension Payment Order No.2540/PM dated 26.09.2022. The other terminal benefits authorized for payment through the Pension Payment Order are:

(i) Commutation of Pension : Rs.14,17,890/-

(ii) Retirement Gratuity : Rs.15,94,131/-

I humbly submit that in addition to the above, the petitioner is entitled for payment of the following benefits.

(i) Encashment of Earned Leave : Rs.9,66,140”

4. In para 7, it is stated that there are several other employees who are also waiting in the queue. In para 9, it is further stated that the demand for Grants is made and therefore after getting the Grants, payment can be made possibly during the first week of May 2023, the salary and pension of all the employees will be released. Recording the same an order was passed, the relevant portion of the order of this Court is extracted hereunder:-

“Mr.Djearany, Learned Government Advocate (Pondicherry) takes notice for the respondents.

2. The Third Respondent has filed an affidavit dated 07.03.2023 stating that payment due to the petitioner would be made by the first week of May, 2023.

3. List the matter under the caption “for reporting compliance” before the Vacation Court in the second week of May, 2023.”

However, till date the compliance is not reported.



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5. On the contrary, an additional affidavit and also an application in WMP.No.9120 of 2024 is filed. It is the contention of the respondents in the writ petition that they never meant to say that the dues to the petitioner will actually be released. They only stated that they were making an endeavor to get the Grants and pay to the employees. Whatever the grants received, the same are being paid as per the seniority, in which the employees are waiting. Only when the petitioner's turn comes, the amount can be paid.

6. In view thereof, they are now seeking to modify the order in W.P.No.6753 of 2023.

7. No doubt, it is true that every employee who has retired from service from Pondicherry Municipality has to be paid the terminal benefits. It is also true, while releasing the benefits, all the employees should be on par and it cannot be done for the petitioner alone.



8. Be that as it may, even assuming that the respondents are entitled for modification on that ground, in this case, the petitioner retired in the year 2022. Already more than 2 years have lapsed. Not even a penny has been paid to the petitioner, and there are other employees who are also waiting for a longer period. That would only make the case of the authorities worse and this Court is not at all convinced by any of the reasons mentioned in the affidavit to modify the ultimate direction of this Court.

9. Accordingly, W.M.P.No.9120 of 2024 is dismissed. It is for the respondents, to raise the funds. The respondents are all also Government Servants. They are duly receiving the salary. The services of the petitioner and the other employees of the Municipality are not different from theirs. When years together, the terminal benefits are not paid, it is for the respondents to blame themselves that they did not take a minute to emphatically look into the case of the employees not of the petitioner. It is not suddenly today that the amount is claimed. For the past several years, the respondents have not raised their little finger to alleviate the grievances of the similar employees who worked and retired in the Pondicherry Municipality.



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10. In that that view of the matter, W.M.P.No.9120 of 2024 is dismissed. One last opportunity is granted to report compliance of the order dated 07.03.2023 by 04.06.2024. It is made clear that if the order is not complied with, this Court will further proceed with the Contempt Petition by issuing Statutory Notice.

25.04.2024

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