



WEB COPY



W.P.No.9897 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2024

CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.9897 of 2020

V.Selvi

... Petitioner

Vs.

1.The Director cum Mission Director,
Integrated Child Development Services,
Pammal Nalthambi Street,
Taramani, Chennai – 113.

2.The District Project Officer,
Integrated Child Development Services,
2/124, Thyagaraya Road,
Teynampet, Chennai – 18.

3.The Project Officer,
Project-7,
Integrated Child Development Services,
No.67/4th Street,
Thiru.Vi.Ka.Nagar,
Perambur, Chennai – 600 011.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the respondents to sanction and pay the petitioner all the terminal benefits such as the amounts payable under General Provident Fund and Special Provident Fund, the lump sum amount of Rs.1,00,000/- and the special monthly pension at the rate of Rs.2,000/- per



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month with effect from 01.06.2019 with arrears and other consequential benefits, together with interest.

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For Petitioner : M/s.G.K.Dharshini
for V.Ajoy Khose

For Respondents 1 to 3 : Mr.M.Rajendiran,
Additional Government Pleader

For Respondent 4 : Mr.V.Vijay Shankar

For Respondent 5 : No appearance

ORDER

The present writ petition has been filed to direct the respondents to sanction and pay the petitioner all the terminal benefits such as the amounts payable under General Provident Fund and Special Provident Fund, the lump sum amount of Rs.1,00,000/- and the special monthly pension at the rate of Rs.2,000/- per month with effect from 01.06.2019 with arrears and other consequential benefits, together with interest.

2. The case of the petitioner is that she was posted as Anganwadi Worker on 01.04.1992 in the Anganwadi Centre at Gowthamapuram, New Kamarajapuram, Vysarpadi, Chennai – 39. One Mrs.R.Vadivazhagi working



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as Superintendent in the third respondent office called her over phone and informed that some amounts have been wrongly credited to her saving bank account and hence, the writ petitioner withdraw the said amount. When she asked as to why those amount were credited in her bank account, the aforesaid Mrs.R.Vadivazhagi told that the salary payable to the Chief Development Project Officer of Thiruvallur District was wrongly credited to her bank account.

3. When she was called by the District Project Officer to give evidence in the enquiry conducted against one Mrs.K.Ramani, Supervisor Grade-I ICDS, Project-7, she came to know that the said Mrs.R.Vadivazhagi had indulged in a similar malpractice by crediting the amount to the bank accounts of staffs like her and asking them to withdraw and handover to her directly. Thereafter, the petitioner got retired on 31.05.2019 and she was not issued with relieving order and other terminal benefits and monthly pension payable at the rate of Rs.2000/- and lump sum amount of Rs.1,00,000/-. Hence, the petitioner has come forward with the present writ petition.



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4. Learned counsel for the petitioner submitted that the petitioner got superannuated on 31.05.2019 and she was paid with G.P.F. for a sum of Rs.46,627/- through ECS on 21.07.2023 and S.P.F for a sum of Rs.20,045/- on 07.02.2024. However, learned counsel for the petitioner prayed this Court that direction may be issued to the respondents to pay 12% interest per annum for belated payment of benefits and to settle a sum of Rs.1,00,000/- which was withheld by the respondents.

5. Learned Additional Government Pleader appearing for the respondents 1 to 3 submitted that the belated payment of benefits to the petitioner is only due to the pendency of the present writ petition and he vehemently submitted that the petitioner was also involved in the misappropriation. Hence, a sum of Rs.1,00,000/- was withheld by the respondents.

6. Heard the learned counsel on either side and perused the materials available on record.



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7. In the case on hand, though the petitioner retired on 31.05.2019, the G.P.F benefits were paid a sum of Rs.46,627/- on 21.07.2023 and S.P.F. For a sum of Rs.20,045/- dated 07.02.2024. The main contention of the respondents is that due to pendency of the present writ petition, the respondents are not in a position to settle the benefits to the petitioner. **Further, this Court observes that the petitioner is only an Anganwadi Worker and the person responsible for the misappropriation is one Mrs.Vadivazhagi, who was the Superintendent in Project-VII, Integrated Child Development. Hence, the petitioner cannot be held responsible for the said misappropriation.**

8. In view of the above submission made by the learned counsel on either side, the Project Officer, Project-VII is directed to pay 6% interest per annum for the belated payment of aforesaid amount and the third respondent is also directed to settle a sum of Rs.1,00,000/-, which is withheld by the respondents, within a period of eight weeks from the date of receipt of a copy of this order.



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9. This writ petition is disposed of with the above said observation and direction. No costs.

18.12.2024 (vm)

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

J.SATHYA NARAYANA PRASAD,J.

vm

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