



W.P.No.34670 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2024

CORAM

**THE HONOURABLE Ms. JUSTICE P.T.ASHA**

**W.P.No.34670 of 2016**

Kalavathy

.. Petitioner

Vs.

1. The District Collector,  
Salem District, Salem.

2. The District Programme Officer,  
Integrated Child Development Services,  
Salem

.. Respondents

**Prayer :** Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified mandamus, calling for the records of the order passed by the second respondent in his proceedings in Na.Ka.No.2427/A2/2015 dated 15.12.2015 and quash the same as illegal and consequently direct the respondents to pay the pension and other benefits to the petitioner.

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W.P.No.34670 of 2016

For Petitioner : Mr.K.Sasindran

For Respondents : Mr.V.Jeevagiridharan  
Additional Government Pleader

### **ORDER**

The above writ petition has been filed to quash the order passed by the second respondent in his proceedings in Na.Ka.No.2427/A2/2015 dated 15.12.2015 and to quash the same and consequently direct the respondents to pay the pension and other benefits to the petitioner.

2. It is the case of the petitioner that she was appointed as an Anganwadi worker on 01.07.1982 at Bharathi Nagar, Jaheer Ammapalayam Center, in which position she continued till 09.09.2009. Since the petitioner was not keeping good health and was not able to discharge her work in an effective manner, she had



W.P.No.34670 of 2016

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submitted a representation dated 09.09.2009 to the second respondent seeking voluntary retirement. This request was accepted by the second respondent vide his proceedings dated 15.09.2009, permitting the petitioner to retire from service on the ground of medical invalidation. Thereafter, the petitioner would submit that she had recovered from her illness and she was told that she was physically fit for continuing the work as an Anganwadi worker. Therefore, on 14.12.2009, she had given a representation to the second respondent to reinstate her, taking into account her earlier work for over 28 years. However, this request was rejected by the second respondent vide his proceedings dated 12.02.2010. This order was unsuccessfully challenged by the writ petitioner in W.P.No.2175 of 2011. While dismissing the writ petition, this Court had directed the respondents to reconsider the petitioner's claim for payment of provident fund and to pass orders within three months. It is the grievance of the petitioner that this was not considered as directed, forcing her to send a



W.P.No.34670 of 2016

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representation dated 21.07.2015. This request was turned down by the second respondent by his order dated 15.12.2015 without even considering G.O.Ms.No.391 dated 15.09.2008. This is the subject matter of the dispute.

3. The second respondent has in the impugned order turned down the request on the ground that the petitioner would be entitled to these benefits had she retired from service, however, in the case of the petitioner, she has resigned from service and therefore, she was not covered by the scheme. The second respondent has filed his written statement reiterating the above contents of the impugned order. They had also stated that the discharge of 27 years of service as an Anganwadi worker would not give any right to the petitioner to demand payment of government pension. The second respondent would submit that no person who has resigned, on account of illness or otherwise has been paid the special pension and therefore, the



W.P.No.34670 of 2016

petitioner cannot be given a differential treatment. The special monthly pension of Rs.1,500/- was payable to the retired Anganwadi workers and not to those who have resigned.

4. Heard the learned counsels and perused the materials available on record.

5. A perusal of the Government Order No.391 dated 15.09.2008 would clearly indicate that the benefits are payable to persons who have superannuated and not to those persons who have themselves stepped down from service. In the earlier writ petition also, this Court had directed the respondents to consider the claim of the petitioner for payment of provident fund and keeping in mind the contents of G.O.Ms.No.391 dated 15.09.2008, the impugned order has been passed. I see no reason to interfere with the same as the petitioner



W.P.No.34670 of 2016

WEB COPY

does not fall into the category of a superannuated employee.

Therefore, the Writ Petition is dismissed. However, this order shall not preclude the petitioner from receiving the other monetary benefits that are payable to her and the respondents shall positively pay the above said sums as early as possible. There shall be no order as to costs.

10.06.2024

Index : Yes/No

Internet : Yes

srn

To

1. The District Collector,  
Salem District, Salem.
2. The District Programme Officer,  
Integrated Child Development Services,  
Salem



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W.P.No.34670 of 2016

**P.T.ASHA, J.**

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**W.P.No.34670 of 2016**



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W.P.No.34670 of 2016

10.06.2024