IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.18811 of 2021

R.Padmavathy ... Petitioner

Vs.

1.The Commissioner,
Avadi Municipal Corporation,
Avadi, Chennai 600 054.

2.The Assistant Director,
Internal Audit,
Kancheepuram 631 501.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to permit the petitioner to retire from service with effect from 31.05.2014 and pay all retirement benefits due to her including arrears of pension from 01.06.2014 together with interest till the date of payment and further direct the respondents to pay her monthly pension within a time limit stipulated by this Court.

For Petitioner : Mr.J.Lakshmi Narayanan

For Respondents : Mr.T.Rajendran, AGP for R2
Mr.R.Gopinath, Standing Counsel for R1

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus, to direct the respondents to permit the petitioner to retire from service with effect from 31.05.2014 and pay all retirement benefits due to her including arrears of pension from 01.06.2014 together with interest till the date of payment and further direct the respondents to pay her monthly pension within a time limit stipulated by this Court.

2. Heard Mr.J.Lakshmi Narayanan, learned counsel for the petitioner, Mr.R.Gopinath, learned Standing Counsel for the first respondent and Mr.T.Rajendran, learned Additional Government Pleader for the second respondent.

3. The petitioner who is a Noon Meal Organiser is said to have attained the age of superannuation on 31.05.2014. But, she was not allowed to retire from service in view of the local audit objection raised against her. In the letter addressed by the first respondent to the District Collector, it is mentioned that there are certain pending audit objections for a sum of Rs.2,09,217/- against the petitioner. It is also stated that the petitioner had executed an undertaking in respect of the said outstanding amount along with any other audit objection / loss raised for the financial year 2009-10.

4. The learned counsel for the petitioner submitted that despite the undertaking given by the petitioner, the petitioner was not allowed to retire and her retirement benefits including pension were not settled.

5. The learned Additional Government Pleader for the second respondent submitted that out of 12 headings under which the audit objections were raised, 7 headings were cleared in the letter of the Assistant Director of Audit dated 04.07.2014. The petitioner is said to be answerable for the remaining 5 headings.

6. However, the learned counsel for the petitioner submitted that no particulars have been furnished to the petitioner to answer the rest of the five headings.

7. Unless the particulars are furnished to the petitioner, she would not be able to give her explanation in respect of five headings. However, it is seen from the letter of the petitioner dated Nil attached in the typed set that the petitioner had given certain explanation and sent it to the first respondent. That would only show that the petitioner has been furnished with particulars and only because of that she was able to offer her explanation also. However, there is no order passed by the first respondent after considering the explanation submitted by the petitioner. Since the petitioner attained the age of superannuation as early as on 31.05.2014, the first respondent ought to have passed some orders in respect of the pending audit objection after considering the explanation submitted by her.

8. In view of the same, this Writ Petition is allowed and the first respondent is directed to consider the representation of the petitioner given in respect of the pending audit objection and pass appropriate orders as requested by the petitioner, on merits, within a period of six weeks from the date of receipt of a copy of this order. No costs.

04.01.2024

Index : Yes
Internet : Yes/No
Speaking / Non-speaking
gsk

To

1.The Commissioner,
Avadi Municipal Corporation,
Avadi, Chennai 600 054.

2.The Assistant Director,
Internal Audit,
Kancheepuram 631 501.

R.N.MANJULA, J.

gsk

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