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W.P.No.26102 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.26102 of 2021

V.Sumathi

... Petitioner

Vs.

1.The Principal Commissioner and
Commissioner of Municipal Administration,
Ezhilagam, Chepauk,
Chennai 600 005.

2.The District Revenue Officer,
Dharmapuri - 5.

3.The Revenue Divisional Officer,
Dharmapuri-1.

... 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 give all retirement benefits with interest of the petitioner's husband late V.Venkatesan based on the petitioner's representation dated 03.05.2021.

For Petitioner : Mr.P.Thirumalaivasan for
Mr.M.Selvam

For Respondents : Mr.T.Chezhiyan, AGP



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ORDER

This Writ Petition has been filed for the issuance of a Writ of Mandamus, to direct the respondents to give all retirement benefits of the petitioner's husband late V.Venkatesan based on the petitioner's representation dated 03.05.2021, along with interest.

2. Heard Mr.P.Thirumalaivasan, learned counsel for the petitioner and Mr.T.Chezhiyan, learned Additional Government Pleader for the respondents.

3. The petitioner is the wife of late Venkatesan who was a Village Administrative Officer. The said Venkatesan was removed from service on certain proved charges and he challenged the order of punishment by filing a Writ Petition in W.P.No.48406 of 2006. In pursuant to the directions of this Court in the said Writ Petition, an order has been passed on 30.07.2010 by the second respondent appellate authority by confirming the order of dismissal. Subsequently, the petitioner's husband



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filed another Writ Petition in W.P.No.3585 of 2011, challenging the order of the second respondent and the same was allowed and the following order has been passed:

"18. The contention of the petitioner that the punishment imposed is disproportionate to the charges framed it substantiated by the judgment of the Hon'ble Division Bench of this Court, dated 19.09.2007 in W.A.No.668 of 2007 and followed in the order dated 02.07.2012 passed in a batch of writ petitions in W.P.Nos.93 of 2008 etc. Therefore, I have no hesitation to hold that the punishment imposed is disproportionate to the charges framed by the respondents.

19. On the basis of the above discussion, the impugned order passed by the second respondent is set aside and the writ petitioner by this time ought to have reached the age of superannuation. Therefore, the respondents are directed to grant all attendant benefits on notional basis and to disburse the terminal benefits to the writ petitioner, within a period of twelve weeks from the date of receipt of a copy of this order."



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4. Even on the date of the order passed in the above Writ Petition i.e., on 26.10.2016, the petitioner's husband reached the age of superannuation and hence, the order was to the effect of granting him all attendant benefits on notional basis and disburse the terminal benefits within twelve weeks from the date of receipt of a copy of that order. But so far, the said order seems to have not been implemented. In the meanwhile, the petitioner's husband also died on 22.04.2020 and the petitioner was also not settled with the terminal benefits of her husband and not paid with any family pension. The petitioner had sent a representation on 03.05.2021 which has not been considered so far.

5. The second and third respondents ought to have considered the representation of the petitioner with due consideration and disbursed the terminal benefits of the petitioner's husband inspite of the order of this Court made in W.P.No.3585 of 2011. But so far no order has been passed.

6. In view of the above stated reasons, this Writ Petition is disposed and the respondents are directed to consider the representation



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of the petitioner and pass appropriate orders in terms of the earlier orders passed already in W.P.No.3585 of 2011 and disburse the terminal benefits, family pension and all other benefits for which the petitioner's husband / petitioner is entitled along with interest within a period of four weeks from the date of receipt of a copy of this order. No costs.

13.02.2024

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

To

- 1.The Principal Commissioner and
Commissioner of Municipal Administration,
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- 3.The Revenue Divisional Officer,
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R.N.MANJULA, J.

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