



W.P.(MD)No.17532 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.07.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.17532 of 2024 &
W.M.P.(MD)No.15077 of 2024

R.Ponnuthai

... Petitioner

VS.

1.The Director,
Social Welfare Department,
Chepauk, Chennai.

2.The District Social Welfare Officer,
Theni.

3.The Commissioner,
Bodinayakanur Panchayat Union,
Bodinayakanur, Theni District.

4.The Secretary,
Board of Secondary Education,
College Road,
Chennai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to notionally reinstate the petitioner to the post of Rural Welfare Officer (W) and disburse all her service benefits accumulated upon her service



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including all her retirement benefits in the light of the orders passed by this Court in W.P.(MD).No.3023 of 2011 dated 01.10.2012.

For Petitioner : Mr.K.R.Laxman

For Respondents : Mr.T.Amjadkhan
Government Advocate for R1 and R2

Mr.D.S.Nedunchezian
Government Advocate for R3

ORDER

Heard Mr.K.R.Laxman, learned counsel appearing for the petitioner, Mr.T.Amjadkhan, learned Government Advocate appearing for the respondents 1 and 2 and Mr.D.S.Nedunchezian, learned Government Advocate appearing for the third respondent.

2. The petitioner has filed this writ petition to direct the respondents to notionally reinstate her to the post of Rural Welfare Officer (W) and disburse all her service benefits accumulated upon her service including all her retirement benefits in the light of the orders passed by this Court in W.P.(MD).No.3023 of 2011 dated 01.10.2012.



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3. The petitioner was dismissed from service on 24.08.2007.

Challenging the same, she has approached this Court by way of filing a writ petition in W.P.(MD).No.3023 of 2011, wherein, this Court by order dated 01.10.2012, set aside the impugned order and directed the respondents 1 to 3 therein to compute the retiral benefits due to the petitioner as if she has worked till 29.02.2008, the due date of retirement and pay the same to her within a period of twelve (12) from the date of receipt of that order. It was made clear in that order that the petitioner is not entitled to get salary from the date of dismissal till the due date of retirement. The writ appeal filed by the respondents against the above order has been dismissed vide a common Judgment dated 11.02.2015 in W.A.(MD)Nos.756 and 1380 of 2013, by simply expecting the respondents to comply with the orders of this Court in the writ petition.

4. In fact, on the date when the orders to set aside the petitioner's dismissal from service was passed, the petitioner has reached the age of superannuation. In such circumstances, the respondents ought to have permitted the petitioner to retire and settled the terminal benefits



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as per the direction of this Court. The petitioner ought to have been given with the notional reinstatement and the consequential orders for permitting her to retire. In the order passed in the earlier writ petition, the directions are clear as to the terminal benefits of the petitioner.

5. Since the petitioner's limited prayer is to release the terminal benefits as per the earlier orders passed in her favour, the respondents are directed to comply with the orders.

6. In view of the above, this Writ Petition is **disposed of** with a direction to the respondents to comply with the orders passed by this Court in W.P.(MD).No.3023 of 2011 dated 01.10.2012 within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

30.07.2024

NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order
mbi



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- 3.The Commissioner,
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Bodinayakanur, Theni District.



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R.N.MANJULA, J.

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