



W.P.(MD)Nos.24120 to 24123 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.07.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD).Nos.24120 to 24123 of 2022

and

W.M.P.(MD).Nos.18230, 18231, 18233 and 18232 of 2022

W.P.(MD).No.24120 of 2022:

A.Vijayalakshmi

... Petitioner

Vs.

- 1.The Director,
Social Welfare Department,
Chepauk, Chennai.
- 2.The District Social Welfare Officer,
Theni.
- 3.The Commissioner,
Bodiyanakanur Panchayat Union,
Bodiyanakanur, 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 for issuance of Writ of Mandamus, directing the respondents to notionally reinstate the petitioner to the post of Rural Welfare Officer (W) and to disburse all her service benefits accumulated upon her service, including all her retirement benefits in the light of the orders passed in W.P.(MD) No.3117 of 2011, by this



W.P.(MD)Nos.24120 to 24123 of 2022

Honourable Court and for consequential orders, petitioner have not filed any other similar writ petition seeking similar relief.

W.P.(MD).No.24121 of 2022:

Kesammal

... Petitioner

Vs.

- 1.The Director,
Social Welfare Department,
Chepauk, Chennai.
- 2.The District Social Welfare Officer,
Theni.
- 3.The Commissioner,
Bodiyanakanur Panchayat Union,
Bodiyanakanur, 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 for issuance of Writ of Mandamus, directing the respondents to notionally reinstate the petitioner to the post of Rural Welfare Officer (W) and to disburse all her service benefits accumulated upon her service, including all her retirement benefits in the light of the orders passed in W.P.(MD) No.3118 of 2011, by this Honourable Court and for consequential orders, petitioner have not filed any other similar writ petition seeking similar relief.



W.P.(MD)Nos.24120 to 24123 of 2022

W.P.(MD).No.24122 of 2022:

P.Pounuthai

... Petitioner

Vs.

- 1.The Director,
Social Welfare Department,
Chepauk, Chennai.
- 2.The District Social Welfare Officer,
Theni.
- 3.The Commissioner,
Bodiyanakanur Panchayat Union,
Bodiyanakanur, 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 for issuance of Writ of Mandamus, directing the respondents to notionally reinstate the petitioner to the post of Rural Welfare Officer (W) and to disburse all her service benefits accumulated upon her service, including all her retirement benefits in the light of the orders passed in W.P.(MD) No.3470 of 2011, by this Honourable Court and for consequential orders, petitioner have not filed any other similar writ petition seeking similar relief.

W.P.(MD).No.24123 of 2022:

D.Sakunthala

... Petitioner

Vs.

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



W.P.(MD)Nos.24120 to 24123 of 2022

2.The District Social Welfare Officer,
Theni.

3.The Commissioner,
Bodiyanakanur Panchayat Union,
Bodiyanakanur, 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 for issuance of Writ of Mandamus, directing the respondents to notionally reinstate the petitioner to the post of Rural Welfare Officer (W) and to disburse all her service benefits accumulated upon her service, including all her retirement benefits in the light of the orders passed in W.P.(MD) No.4720 of 2011, by this Honourable Court and for consequential orders, petitioner have not filed any other similar writ petition seeking similar relief.

For Petitioners : Mr.K.R.Laxman
(In all Petitions)

For Respondents : Mr.N.Ramesh Arumugam,
Government Advocate

COMMON ORDER

Heard Mr.K.R.Laxman, learned counsel appearing for the petitioner and Mr.N.Ramesh Arumugam, learned Government Advocate appearing for the respondents.



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2. W.P.(MD).No.24120 of 2022 has been filed seeking a direction to 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, including all her retirement benefits in the light of the orders passed in W.P. (MD) No.3117 of 2011 by this Court.

3. W.P.(MD).No.24121 of 2022 has been filed seeking a direction to 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, including all her retirement benefits in the light of the orders passed in W.P. (MD) No.3118 of 2011 by this Court.

4. W.P.(MD).No.24122 of 2022 has been filed seeking a direction to 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, including all her retirement benefits in the light of the orders passed in W.P. (MD) No.3470 of 2011 by this Court.



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5. W.P.(MD).No.24123 of 2022 has been filed seeking a direction to 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, including all her retirement benefits in the light of the orders passed in W.P. (MD) No.4720 of 2011, by this Court.

6. The petitioners were already kept under suspension on certain allegations. They have approached this Court by way of preferring Writ Petitions in W.P.(MD).Nos.3117, 3118, 3470 and 4720 of 2021 challenging the orders of suspension and thereafter, the order of termination. In the order dated 02.07.2014 in W.P.(MD).No.2959 of 2011 filed by the similarly placed person, the order of suspension was set aside and the respondents are directed to permit the petitioners to retire from service and to settle all terminal benefits.

7. However, for the reasons best known to the respondents neither they had complied the order of the learned Single Judge nor preferred any appeal challenging the order of the learned Single Judge. The petitioners also did not initiate any contempt proceedings. The State has filed Writ Appeal in W.A. (MD).Nos.756 of 2013 against the above said Writ Petition and the said Writ Appeal was dismissed by this Court on 11.02.2015, but, simply, expecting the respondents to comply with the orders of the Court. In



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fact, on the date when the orders to set aside the petitioners' suspension was passed, three of the petitioners have reached the age of superannuation and the petitioner in W.P.(MD).No.24123 of 2022 had also attained the age of superannuation just a few months after the said order.

8. Even though an order for reinstatement is issued, the petitioners had reached the age of superannuation before the compliance of the said order. In such circumstances, the respondents ought to have permitted to retire and settled the terminal benefits as per the direction of this Court to the petitioners who had attained the age of superannuation. The petitioners ought to have given with the notional reinstatement on the date of this order and the consequential orders for permitting them for retirement. The directions are clear as to the terminal benefits of the petitioner.

9. Since the petitioners' limited prayer is to release the terminal benefits as per the earlier orders passed in their favour, the respondents are directed to comply with the orders.

10. In view of the above, these Writ Petitions are disposed of with a direction to the respondents to comply with the orders passed by this Court in



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W.P.(MD).Nos. 3117, 3118, 3470 and 4720 of 2021 within a period of four

weeks from the date of receipt of a copy of this order. No costs. Consequently,

connected miscellaneous petitions are closed.

02.07.2024

NCC:yes/no

Index:yes/no

Internet:yes/no

TSG

To

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

2.The District Social Welfare Officer,
Theni.

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

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



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R.N.MANJULA, J.

TSG

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