



W.P.(MD)No.29730 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2024

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.29730 of 2023

M.Kumar

... Petitioner

Vs

1.The Secretary
Municipal Administration and Water Supply Department
The Secretariat
Chennai -9

2.The Director /Commissioner
Municipal Administration and Water Supply Department
Chepauk, Chennai

3.The Director
Local Fund Audit Department
Anna Salai
Chennai

4.The Commissioner
Dindigul Municipality
Dindigul District

5.The Assistant Director
Local Fund Audit Department
Dindigul District

... Respondents

(R5 impleaded vide Court order dated 19.09.2024)



W.P.(MD)No.29730 of 2023

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents to disburse the service benefits ie. leave salary, special provident fund, provident fund and pension along with other consequential benefits with nominal interest from the date of his retirement dated 30.08.2015 by considering the petitioner's representation dated 26.10.2023 within the time stipulated by this Court.

For Petitioner : Mr.T.Thirumurugan

For Respondents : Mr.S.Shaji Bino
Special Government Pleader for R1 to R3

: Mr.J.Lawrance for R4

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ORDER

The instant writ petition has been filed by a sanitary worker working in the Dindigul Municipal Corporation seeking a mandamus directing the authorities to disburse his terminal benefits based upon his voluntary retirement with effect from 31.08.2015.

2.The petitioner herein has submitted an application on 04.02.2015 and 01.06.2015 expressing his willingness to go on a voluntary retirement scheme. As per Rule 56(3)(a) of the Fundamental Rules, the employee has to complete either 20 years of service or 50 years of age to seek the voluntary retirement. By way of order dated 04.08.2015, the fourth respondent found that the petitioner has completed 21 years and directed the petitioner to go on voluntary



W.P.(MD)No.29730 of 2023

retirement scheme with effect from 31.08.2015. However, there was no order for terminal disbursement of benefits. Seeking disbursement of the terminal benefits, the petitioner has filed W.P(MD).No.7579 of 2018. This Court by an order dated 21.02.2019, has directed the authorities to pass appropriate orders on merits and in accordance with law within a period of 8 weeks from the date of receipt of a copy of the order. Thereafter, the fourth respondent herein had passed an order on 31.03.2022 wherein the total qualifying service was fixed at 20 years and 12 days and further passed an order that the petitioner would be eligible for pension and other benefits based upon the above said qualifying service. However, the terminal benefits were not released to the petitioner pursuant to the order dated 31.03.2022.

3.The Assistant Director, Local Fund Audit, Dindigul is suo moto impleaded as fifth respondent in this writ petition.

4.The communication of the fourth respondent has been addressed to the fifth respondent on 31.03.2022.

5.It is brought to the notice of the Court that the fifth respondent has to forward the same to the third respondent for passing of the final order.

6.In view of the above said deliberations, the fifth respondent is directed to forward the order passed by the fourth respondent dated 31.03.2022 to the third respondent. The third respondent is directed consider the order passed by



W.P.(MD)No.29730 of 2023

the fourth respondent permitting the writ petitioner to go on voluntary retirement scheme and proceeded to disburse the terminal benefits. The said exercise shall be completed within a period of 12 weeks from the date of receipt of a copy of this order.

7. With the above said directions, this writ petition stands disposed of. No costs.

19.09.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
msa



W.P.(MD)No.29730 of 2023

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W.P.(MD)No.29730 of 2023

R.VIJAYAKUMAR, J.

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W.P.(MD)No.29730 of 2023

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