



W.P.No.34276 of 2014

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

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THE HON'BLE MR. JUSTICE RMT.TEEKAA RAMAN

W.P.No.34276 of 2014

Judgment reserved on 24.02.2025	Judgment pronounced on 06.03.2025
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Prabavathi
W/o.Late Kadumpadi,
No.2/22, Singaravelan Street,
Chinnaneelankarai,
Chennai - 600 115.

Petitioner

Vs

1. The Corporation of Chennai
Rep. by its Commissioner,
Rippon Buildings,
Chennai-600003.

2.The Zonal Officer
Zone XV,
Corporation of Chennai,
Sholinganallur, Chennai - 600 115.

3.The Life Insurance Company
Administrative Officer,
Mount Road Branch, Anna Salai,
Chennai - 600 002.

4.The Secretary to the Government,
Municipal Administration and Water Supply Department,
Fort St. George,
Chennai – 600 001.

Respondents



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Prayer: This Writ Petition is filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus to call for the records and quash the order Ma.Aa.15/Na.Ka.No.A21/1425/2013 dated 31.05.2013 issued by the 2nd respondent and consequently direct the respondent to regularise the service of the petitioner's husband from the original date of his appointment with consequential benefit such as Family Pension, Arrears of Family Pension, gratuity, Group Insurance Amount Rs.1,50,000/- to the petitioner.

For Petitioner : Mr.N.Beulah John Selvaraj

For R1 and R2 : Mr.G.T.Subramanian

For R3 And R4 : Mr.S.Umapathy

ORDER

The petitioner has filed the above writ petition seeking for a direction to the second respondent to regularise the services of the petitioner's husband from the original date of his appointment with consequential benefits such as Family Pension, Arrears of Family Pension, gratuity, Group Insurance Amount to the extent of Rs.1,50,000/- by the third respondent/Life Insurance Corporation.

2. The petitioner is the wife of late Kadumpadi. The petitioner's

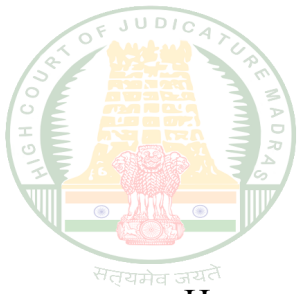


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husband Kadumpadi was employed as an Overhead Tank Operator in Division 192 Unit 44 Zone 15, Corporation of Chennai. He died on 30.01.2012 while he was in service, leaving behind his surviving legal heirs viz. wife, mother, son and daughter. The District Collector, Kancheepuram issued a circular that the temporary employees are eligible to get Group Insurance amount. Accordingly, Group Insurance subscription amount has also been recovered from the salaries of the employees and credited in the LIC. The employees were transferred to Chennai Corporation and thereafter, their contribution amount was not recovered from their salary and credited into the LIC. After the death of Kadumpadi, the petitioner has applied for the group insurance amount. However, she was informed by the respondents 3 & 4 that the respondents 1 & 2 have not forwarded necessary papers to the third respondent.

3. According to the affidavit, the petitioner's husband has worked as Over Head Tank Operator in Division 192 of Chennai Corporation during his life time as regular employee of Chinnaneelankarai and he was also a member of Group Insurance Scheme. In this regard, the then Executive Officer of Chinnaneelankarai also remitted the Group Insurance amount.



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However, now after the death of the petitioner's husband, the respondents are not settling the terminal benefits.

4(a) The learned counsel for the petitioner relied upon the judgment of this Court reported in **2010 (1) CLT 651 [V.V.Sivanandam v. Principal., Pondicherry Engineering College, Pondichery]** wherein the Division Bench of this Court in W.A.No.525 of 2005 dated 28.01.2010 has held that the claim of regularisation of the services already rendered would not cease to exist on his retirement. The Division Bench has further issued a direction for regularisation of services and also for consequential benefits.

4(b) The learned counsel for the petitioner also relied upon the Full Bench judgment of this Court in W.P.No.23823 of 2023 in ***M.Sivappa vs. The State of Tamil Nadu and Ors.*** reported in **MANU/TN/2077/2024** and sought for granting relief as prayed for.



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5(a) The second respondent/Zonal Officer, Corporation of Chennai, Sholinganallu, Chennai has filed counter wherein it is stated that the petitioner's husband Kadumpadi was working on daily wages in Neelankarai Panchayat as O.H.T operator. When the Neelankarai Panchayat was merged with Corporation of Chennai on 25.10.2011, the said Kadumpadi was working as a O.H.T. Operator on daily wages basis. The said Kadumpadi died on 30.01.2012. The erstwhile Neelankarai Panchayat has not handed over any document in support of recovery towards subscription for Group Insurance Scheme to the Corporation of Chennai. After the merger of Neelankarai Panchayat with Corporation of Chennai, the said Kadumpadi was engaged as daily wage at a wage rate of Rs.195/- per day and he has worked as Over Head Tank Operator from 25.10.2011 to 31.01.2012. The details of his employment as daily wage worker from November 2011 to January 2012 is given below -

<i>Srl.No.</i>	<i>Working Period</i>	<i>No. of days worked</i>
1	November 2011	26
2	December 2011	27
3	January 2012	24



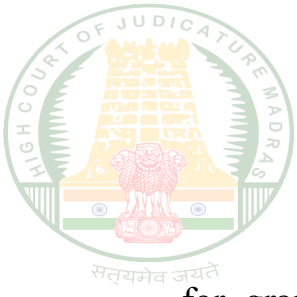
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5(b) The crux of the counter is that the deceased daily wage worker Kadumpadi was working with Neelankarai Village Panchayat on daily wage basis as O.H.T. Operator and he was not working as permanent employee or apprentice. According to the learned Standing Counsel for the Corporation, after the merger of Neelankarai Panchayat with Corporation of Chennai, they have not received any records relating to contribution amount from the wages of Mr.Kadumpadi (late husband of the petitioner) and hence the husband of the petitioner is not a regular employee and he was only a daily wages employee.

6. Employment was admitted by the respondent in the counter, as extracted supra. In a similar writ petition in connection with Kotivakkam Panchayat, the Division Bench of this Court in W.A.No.1615 of 2018 dated 23.11.2023 has granted relief to the petitioner.

7. After perusing the above cited decisions, I find that the case of the petitioner is squarely covered by the above said decision. The only point that was raised by the Standing Counsel for the Corporation is that the husband of the petitioner has not made any contribution for grant of GPF or



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for grant of Group Insurance by the LIC Corporation, namely the third respondent.

8(a) The learned counsel for the respondents 3 & 4 would contend that the LIC will abide by the terms of this Court and that they have not filed any separate counter.

8(b) I find that by a challan/communication dated 08.10.2011, the then Panchayat Board Chairman of the Neelankarai has remitted the amount towards Group Insurance and necessary payment has been remitted before the State Treasury by the President of the Neelankarai Panchayat Union by name V.Ettiyappan and the index shows that the head of the account has been 0075 Miscellaneous General Service other Receipt and Contribution under Group Insurance Scheme Employee local bodies and over the page, it indicates that the remittance has been made for the month of April 2011, May 2011 & June 2011.



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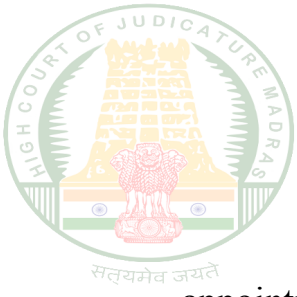
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8(c) In the above said challan/communication dated 08.10.2011, at Srl.No.13 the name of Mr.R.Kadumbadi, husband of the petitioner is mentioned. When this court has noticed the same and put a question to the learned Standing Counsel for the Corporation, no reply was forthcoming from the respondent Corporation.

8(d) The above stated remittance made by the President of Neelankarai Panchayat Union in the Treasury under the above said account, goes to show that R.Kadumbadi, husband of the petitioner has worked as employee and he was also a member of Group Insurance Scheme by the local body. This document is sufficient enough to grant the relief sought for by the petitioner.

8(e) Hence, in view of the decision referred to above and in view of the document referred to above, the writ petition stands allowed.

8(f) The respondents 1 & 2 are hereby directed to regularise the services of the husband of the petitioner from the date of his initial



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appointment and to grant necessary terminal benefits and also sent a communication to the respondents 3 & 4 / Life Insurance Corporation of India for the grant of Group Insurance Scheme amount for which the petitioner has also made remittance that was forwarded by the then President of Neelankarai Panchayat Union in the Treasury, within a period of eight (8) weeks from the date of receipt of a copy of this order. On receipt of communication from the respondents 1 & 2, the respondents 3 & 4 shall disburse the amount to the petitioner, within a period of six (6) weeks from the date of receipt of communication from the respondents 1 & 2. Cost of Rs.5,000/- is directed to be paid by the second respondent to the petitioner.

06.03.2025

rg

Index : Yes/No

Speaking/Non-speaking order



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RMT.TEEKAA RAMAN, J.

rgr

To

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