



WP(MD).15715 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE SHAMIM AHMED

WP(MD)No.15715 of 2020

Thimmi

...Petitioner

Vs

1.The Secretary to Government,
Municipal Administration and Water Supply Department,
Chepauk, Chennai - 600 005.

2.The Commissioner of Municipal Administration,
Chepauk, Chennai - 600 005.

3.The Regional Director of Municipal Administration,
Tirunelveli Region, Tirunelveli.

4.The Commissioner,
Rajapalayam Municipality,
Virudhunagar District.

...Respondents

Prayer:- This Writ Petition has been filed under the Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 4th Respondent to grant retirement benefits like Gratuity, Pension, Leave Salary, etc. with interest from the date of 30.06.2017.

For Petitioner : Mr.M.Jothi Basu

For Respondents : Mr.D.Sadiq Raja
Additional Government Pleader
For R-1 to R-3
Mr.P.Mahendran
For R-4



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ORDER

1. This Writ Petition has been filed under the Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 4th Respondent herein to grant retirement benefits like Gratuity, Pension, Leave Salary, etc. with interest from 30.06.2017.
2. The facts of the case in a nut shell, led to filing of this Writ Petition and necessary for disposal of same, are as follows:-
 - (a) Initially, 86 persons including the Petitioner herein were appointed as “Badli (Substitute) Sanitary workers in the Rajapalayam Municipality in the year 1989. The Petitioner's name was found in Serial No.42 and she has been granted time scale of pay from 04.06.1999. Due to strike held by the sanitary workers, the Municipality had terminated 86 sanitary workers. The Petitioner has raised an Industrial Dispute before the Labour Court, Madurai in I.D.No.28 of 2003 and the same was allowed by directing the 4th Respondent Municipality to reinstate her in service with continuity of service without back wages and other benefits. As against the said order, the 4th Respondent Municipality filed a batch of Writ Petitions in W.P.(MD)Nos.1664 of 2009 etc., and W.P.(MD)No.9792 of 2011 etc., and the same were dismissed on 28.10.2011 and 31.10.2011 and as against the same, Writ Appeals in W.A.(MD)No.285 of 2012 etc., batch were filed by the 4th Respondent Municipality and this Court vide order dated 07.06.2012 disposed of the writ appeals by



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directing the 4th Respondent Municipality to reinstate the sanitary workers with continuity of service without back wages.

(b) The Petitioner was appointed as one of the 66 sanitary workers by the 4th Respondent Municipality on 12.09.2012, with a time-scale pay. She retired on 30.06.2017 after reaching superannuation, without availing any unearned leave during her service. The Petitioner claims that if 50% of her past service from 01.06.1998 is considered, she would be eligible for pension benefits at the time of retirement. Despite sending multiple representations, including one dated 26.06.2023, the 4th Respondent has not taken any steps to sanction her retirement benefits. Hence, this Writ Petition has been filed seeking the relief as stated supra.

3. Heard Mr.M.Jothi Basu, learned counsel for the Petitioner, Mr.D.Sadiq Raja, learned Additional Government Pleader for the Respondents 1 to 3 and Mr.P.Mahendran, learned counsel for the 4th Respondent.
4. The learned counsel for the petitioner, while reiterating the averments made in the affidavit filed in support of this Writ Petition, submits that the Petitioner was appointed as “Badli (Substitute) Sanitary worker in the Rajapalayam Municipality in the year 1989. The petitioner already served for succession period before the Respondents and she is entitled for gratuity, pension, leave salary and other monetary benefits. But, the Respondents are not paying the same to the petitioner and she has



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already retired from service on 30.06.2017. In this regard, the petitioner has made several representations to pay the above retiral dues and in this regard, the last representation was given on 26.06.2023 to the 4th Respondent and a copy of the same is also filed before this Court. But inspite of above representation, the Respondents are sitting tide over the matter and were not paying the retiral dues to the petitioner.

5. Mr. P. Mahendran, learned counsel for the 4th Respondent, submits that the Petitioner had a break in service and was given a fresh appointment on 12.09.2012, from which he retired on 30.06.2017 and that earlier the Petitioner was worked for some years. He further submits that the Petitioner is not entitled to the monetary benefits claimed in this Writ Petition. However, Mr.P.Mahendran did not dispute the fact that the Petitioner had made several representations, with the most recent one dated 26.06.2023. He submitted that, despite the grievance, the Petitioner may file a fresh representation with the 4th Respondent, which would be considered and decided in accordance with law through a reasoned and speaking order.
6. Mr.D.Sadiq Raja, the learned Additional Government Pleader for the Respondents 1 to 3 supports the argument as advanced by the learned counsel for the 4th Respondent.



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7. After considering the submissions made by the learned counsels for both parties and perusing the records and averments made in the Writ Petition, this Court deems it appropriate that no useful purpose will be served in keeping this Writ Petition pending before this Court. Accordingly, the 4th Respondent may be directed to decide the case of the Petitioner which is pending before him for a long time. It appears that the Petitioner did not make any representation individually, but rather relied on the representation made along with other sanitary workers.
8. Accordingly, the petitioner is directed to file a fresh representation before the 4th Respondent detailing his claim and grievances within a period of three weeks from today. If any such representation is filed by the petitioner before the 4th Respondent as per the time stipulated by this Court, the 4th Respondent is directed to consider the same and pass a reasoned and speaking order on merits and in accordance with law, after giving sufficient opportunity to the Petitioner, within a period of six weeks from the date of receipt of such representation. The 4th Respondent shall communicate the order to the Petitioner through Registered Post with Acknowledgement Due (RPAD) within a period of two weeks from the date of passing the order.



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9. With the above directions, this Writ Petition is finally disposed of. There shall be no order as to costs.

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Index:Yes/No
Web:Yes/No
Speaking/Non Speaking
Neutral Citation
Nsr

To:

- 1.The Secretary to Government,
Municipal Administration and Water Supply Department,
Chepauk, Chennai - 600 005.
- 2.The Commissioner of Municipal Administration,
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SHAMIM AHMED, J.

Nsr

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