

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.07.2015

CORAM

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

W.P.No. 19987 OF 2015

R.Rangi
[PETITIONER]

Vs

- 1 The Secretary to Government of Tamil Nadu
Municipal Administration and
Water Supply Department
Fort ST. George, Chennai 9
 - 2 The Commissioner of Municipal Administration
Ezhilagam, Chennai -5.
 - 3 The Commissioner
Coimbatore Corporation,
Coimbatore
- [RESPONDENTS]

Writ petition is filed under Article 226 of the Constitution of India praying for a writ of mandamus to direct the respondents to pay full pension and other terminal benefits like Death cum Retirement Gratuity Commuted Value of Pension Encashment of Earned Leave and Encashment of Provident Fund etc with interest at 12% per annum with effect from 30.6.2005.

For Petitioner : Mr.V.Vijaya Shankar

For Respondents : Mrs.M.E.Rani Selvam - R1 & R2
Addl.Government Pleader
Mr.K.Magesh - R3

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ORDER

With the consent of the learned counsel appearing on either side, the Writ Petition is taken up for final disposal at the admission stage itself.

2.The petitioner was appointed as Scavenger in the third respondent Corporation on NMR basis on 23.03.1968. She was appointed as regular Sanitary Worker in the third respondent Corporation on 20.02.1980. Though the petitioner attained the age of superannuation on 30.06.2005, she was erroneously permitted to continue to serve as Sanitary Worker till 31.12.2005 and only when audit objected for the same, she was immediately relieved on 31.12.2005. The grievance of the petitioner is that till date she is only receiving provisional pension and she is not paid other terminal benefits such as DCRG,

Commuted value of pension, encashment of earned leave etc.

3.The learned counsel for the petitioner submitted that though the petitioner has filed this Writ Petition seeking for payment of full pension and other terminal benefits like Death cum Retirement Gratuity, Commuted Value of Pension, Encashment of Earned Leave and Encashment of Provident Fund etc with interest at 12% per annum with effect from 30.6.2005, the petitioner is willing to give up the interest, if the said benefits are paid within a stipulated period fixed by this Court. The learned counsel also stated that though the petitioner served upto 31.12.2005, she would be satisfied if her service period is counted only upto 30.6.2005, for the purpose of terminal benefits.

4.At this juncture, the learned counsel for the third respondent submitted that the third respondent sent a proposal to the first respondent on 14.3.2007, to ratify the service of the petitioner upto 31.12.2005.

5.In my view no such ratification is necessary from the first respondent, particularly when the petitioner seeks to count the service only upto 30.6.2005.

6.In these circumstances, the third respondent is directed to send proposal for full pension and other terminal benefits such as Death cum Retirement Gratuity, Commuted Value of Pension, Encashment of Earned Leave and Encashment of Provident Fund etc, to the Local Audit concerned for authorisation, within a period of four weeks from the date of receipt of a copy of this order and the concerned Local Audit is directed to authorise the same within a period of three weeks thereafter.

The Writ Petition is disposed of on the above terms. No costs.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

To

- 1 The Secretary to Government of Tamil Nadu
Municipal Administration and
Water Supply Department
Fort ST. George, Chennai 9
- 2 The Commissioner of Municipal Administration
Ezhilagam, Chennai -5.

3 The Commissioner
Coimbatore Corporation,
Coimbatore

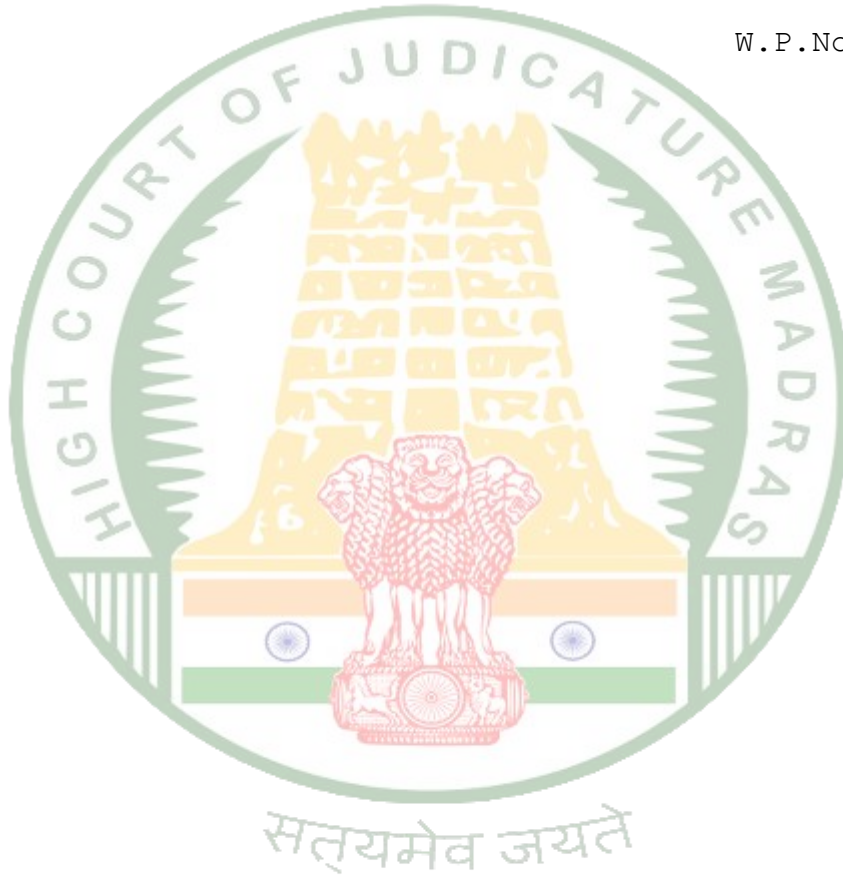
+1 cc to Government Pleader, Sr.34341

+1 cc to Mr.V.Vijay Shankar, Advocate, Sr.34527

+1 cc to Mr.K.magesh, Advocate, SR.33838.

Lrs (co)
krd 16/7

W.P.No. 19987 of 2015



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