

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 11.08.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.24636/2015

V.Ponnusamy

... Petitioner

Versus

1.The Secretary
Municipal Administration and Water
Supply Department, Fort St George,
Chennai.

2.The Director of Town Panchayats
Kuralagam, Chennai.

3.The Executive Officer
Nanthivaram Guduvancheri Town
Panchayat, Kanchipuram District.

4.The Director of Local Fund Audits,
Kuralagam, 4th Floor, Chennai.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the respondents to count half of the temporary service from 01.01.1978 to 11.11.1999 along with permanent service from 12.11.1999 to 30.06.2013 as qualifying service for the purpose of pension and other retirement benefits and pay all pensionary benefits and pension and arrears of pension to the petitioner.

For Petitioner : Mr.K.Vasudevan

For Respondents : Mr.R.Ravichandran, AGP

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The petitioner would state that he was appointed as a temporary Sanitary Worker in the services of the 3rd respondent on 01.01.1978 and served in that capacity for more than 25 years. The petitioner would further state that his services were regularised and was made permanent from 12.11.1999 and the period in which he was employed as temporary sanitary worker, i.e., from 01.01.1978 to 11.11.1999 has not been taken into account as pensionary service. The petitioner has attained the age of superannuation during the year 2013 and his grievance is that, till date, the terminal

benefits and pension have not been paid to him. The petitioner, in this regard has submitted a representation praying for counting half of the temporary service rendered by him from 01.01.1978 to 11.11.1999 along with the permanent service from 12.11.1999 to 30.06.2013, as qualifying service for the purpose of pension and conferment of other retiral benefits. The 3rd respondent, in response to the said representation, has informed the petitioner that necessary papers have been forwarded through proper channel to the 2nd respondent and the matter is pending consideration. The petitioner sought for an information under the Right to Information Act, 2005, and the Assistant Director of Panchayat, Kanchipuram, vide letter dated 14.11.2014, has informed the petitioner that the matter is pending consideration before the Directorate of Local Fund Audits.

3.The learned counsel for the petitioner would submit that though the petitioner had attained the age of superannuation as early as in the year 2013, he is yet to be conferred with pensionary and other terminal benefits and hence, prays that appropriate orders may be passed on the request made by the petitioner.

4.This Court heard the submissions of the learned counsel for the petitioner and Mr.R.Ravichandran, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 to 4.

5.Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances, directs the respondents 2 to 4 to take into consideration the communication dated 29.09.2014 in Na.Ka.No.969/2014 Pe.Roo.2 sent by the 3rd respondent to the Director of Local Fund Audits as well as his further letter dated 14.11.2014 in Na.Ka.No.0969/2014/Pe.Roo.5, with a further direction to the 4th respondent to consider the claim of the petitioner and forward necessary proposals to the respondents 2 and 1 within a period of six weeks from the date of receipt of a copy of this order and the respondents 2 and 1, on receipt of such proposal, shall act on the same and pass orders within a further period of six weeks thereafter and communicate the decision taken, to the petitioner.

6.The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

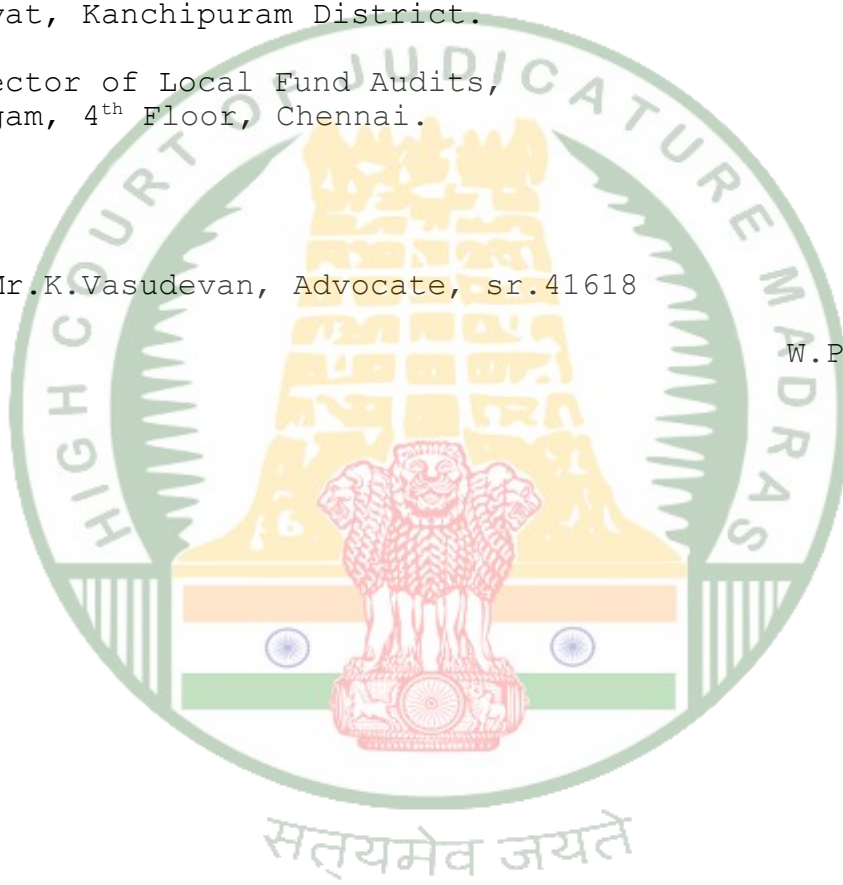
To

- 1.The Secretary
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- 2.The Director of Town Panchayats
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- 3.The Executive Officer
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- 4.The Director of Local Fund Audits,
Kuralagam, 4th Floor, Chennai.

+1 cc to Mr.K.Vasudevan, Advocate, sr.41618

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