

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.27309 of 2015

1.K.Chellakannu
2.M.Selvasigamani

... Petitioners

Vs

1. The Secretary to Government,
Municipal Administration and Water
Supply Department,
Fort St.George, Chennai - 9.

2. The Commissioner,
Salem Corporation, Salem.

3. The Director of Local Fund Audit,
Kuralagam, Chennai-108.

... Respondents

Petition filed under Article 226 of The Constitution of India, praying for the issuance of a Writ of mandamus to direct the respondents to grant pension to the petitioners under the Tamil Nadu Pension Rules 1978 (old pension scheme) by counting 50% of the services rendered by them prior to their respective date of regularisation.

For Petitioners : Mr.M.Subramaniam

For Respondents : Mr.S.Gunasekaran,
Government Advocate for R1 & R3
Ms.K.Bhuvaneswari for R2

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ORDER

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

2.The petitioners were working as Unskilled Workers in the services of the Salem Corporation and retired from service. The grievance expressed by the petitioners is that their services were regularised in terms of G.O.Ms.No.21 Municipal Administration and Water Supply Department dated 23.02.2006 and for the purpose of pension, in terms of Rule 11(2) of the Tamil Nadu Pension Rules, 50% of the services rendered by them has to be taken into consideration and since it has not been done, the petitioners have submitted a representation dated 01.07.2015 and since no orders have been passed, came forward to file this writ petition.

3.Learned counsel appearing for the petitioners would submit that the matter in issue is squarely covered by the following judgments:

1.Union of India Vs. K.Punniyakotti and Others (2014 (2) CTC 777)

2.Captain V.C.Kutty Vs. Secretary to the Government of India (2014 (2) MLJ 585)

3.G.Ashokan Vs. District Collector, Thiruvannamalai (2014 (3) MLJ 769) and

4.A.N.Sachdeva (dead) by Lrs. and Others Vs. Maharishi Dayanand University, Rohtak and Another (2015 (8) SCALE 597)

and hence prays for appropriate orders.

4.The Court heard the submissions of Mr.S.Gunasekaran, learned Government Advocate, who accepts notice on behalf of respondents 1 and 3.

5.Though the petitioner prayed for a larger relief, this Court in the light of the above facts and circumstances, directs the respondents 1 and 2 to consider and dispose of the petitioners' representation dated 01.07.2015 on merits and in accordance with law, after taking note of the above cited judgments and pass orders within a period of eight weeks from the date of receipt of a copy of

this order and communicate the decision taken, to the petitioners.
The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

mmi

To

1. The Secretary to Government,
Municipal Administration and Water
Supply Department,
Fort St.George,
Chennai-09.
2. The Commissioner,
Salem Corporation,
Salem.
3. The Director of Local Fund Audit,
Kuralagam,
Chennai-108.

+1cc to M/s.S.M.Subramaniam, Advocate, S.R.No.46923
+1cc to Mr.K.Bhuvaneswari, Advocate, S.R.No.47086
+1cc to the Government Pleader, S.R.No.47293

W.P.No.27309 of 2015

KSJ(CO)
CA(14/09/2015)

सत्यमेव जयते

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