

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.28112 of 2015

K.Sundaramoorthy

.. Petitioner

- Vs -

1. The Assistant Director,  
(Municipal Pension Verification Section),  
Directorate of Audit and Accounts,  
Kurulagam, Chennai - 600 108.

2. The Commissioner of Municipal Administration,  
Myladuthurai, Nagapattinam.

.. Respondents

Prayer:- Writ Petition has been filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the 1st respondent to sanction all terminal benefits including pension by calculating the 50% of service from 01.12.1973 - 21.02.1990 along with regular service from 22.02.1990-28.02.2014 based on the proposal dated 05.01.2015 of the 2nd respondent and regularization w.e.f 22.02.1990 by order dated 06.07.1997 without insisting for copy of order in O.A.No.6970 of 1997 along with interest for the delayed period by considering the representation dated 18.08.2015 within a specified period.

For Petitioner : Ms.T.Aananthi

For Respondents : Mr.S.Gunasekaran  
Government Advocate

सत्यमेव जयते  
O R D E R

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

2. The petitioner was appointed as Gang Mazdoor on 30.11.1973 on consolidated pay and his service was regularised w.e.f. 22.02.1996, which according to him was wrong. In this regard, he submitted a representation to rectify the same and the regularisation was altered w.e.f. 22.02.1990 and the same was also entered in his service book. The petitioner was due to retire on superannuation on 28.02.2014 and necessary recommendation was made for grant of pension. However, the first respondent vide his letter dated 26.02.2015, demanded a copy of the order in O.A.No.6970 of 1997 passed by the Tamil Nadu Administrative Tribunal. In this regard, the petitioner has submitted

a detailed representation dated 18.08.2015 to the respondents and since no orders came to be passed, he came forward to file this writ petition.

3. The learned counsel appearing for the petitioner would submit that since he is having necessary qualifying service, the production of the above said order passed by the Tamil Nadu Administrative Tribunal does not arise and it is still open to the respondents to verify the service records of the petitioner and confer him the said benefits. For the reason best known, they are not prepared to do so and hence prays for appropriate orders.

4. Heard the submissions of Mr.S.Gunasekaran, learned Government Advocate who accepts notice on behalf of the respondents 1 and 2.

5. This Court taking into consideration the above facts and circumstances, without going into the merits of the representation of the petitioner, directs the first respondent to consider and dispose of the representation of the petitioner dated 18.08.2015, on merits and in accordance with law 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 petitioner. The writ petition is disposed of accordingly. No costs.

-s/d-

Assistant Registrar(CSIII)  
dt:28/09/2015

True Copy

Sub-Assistant Registrar

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To

1. The Assistant Director,  
(Municipal Pension Verification Section),  
Directorate of Audit and Accounts,  
Kurulagam, Chennai - 600 108.

2. The Commissioner of Municipal Administration,  
Myladuthurai, Nagapattinam.

+1 cc to M/S.T.Ananthi, Advocate sr.48362

+1 cc to Government Pleader High Court, Madras sr.48979

+1 cc to Mr.S.Gunasekaran Advocate sr.48505

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