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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.02.2015

CORAM :

THE HONOURABLE MR. JUSTICE K. RAVICHANDRABAABU

Writ Petition (MD) No.14890 of 2014

and

MP (MD) No.1 of 2014

K. Chockalingam

... Petitioner

Vs.

1. The Commissioner of Municipal Administration,
Ezhigam Annex,
Chepauk,
Chennai 600 005.

2. The Commissioner,
Madurai Corporation,
Arignar Anna Maligai,
Madurai 625 002.

3. The Assistant Commissioner,
West Zonal Office of Madurai Corporation,
T.B. Road,
Madurai 625 010.

4. The Deputy Director of Local Fund Audit,
Madurai Corporation,
Arignar Anna Malai,
Madurai 625 002.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, direct the 2nd respondent to count the petitioners service in the post of Cycle Orderly from 17.3.1973 to 31.8.1974 as qualifying service for the purpose of calculation and sanction of pension in terms of Rule 25(1) & (2) of Tamil Nadu Pension Rules 1978 and in furtherance of the same to revise and re-fix his pension with effect from 1.8.2008 and to pay the consequential allied benefits by considering his representation dated 27.8.2014 within the time that may be stipulated by this Court.

For Petitioner : No appearance

For Respondents 1&4 : Mr. M. Rajarajan,
Government Advocate.

For Respondents 2&3 : Mr. R. Murali

ORDER

The petitioner seeks for a Mandamus to direct the second respondent to count the petitioners service in the post of Cycle Orderly from 17.3.1973 to 31.8.1974 as qualifying service for the purpose of calculation and sanction of pension in terms of Rule 25(1) & (2) of Tamil Nadu Pension Rules 1978 and in furtherance of the same to revise



and re-fix his pension with effect from 1.8.2008 and to pay the consequential benefits by considering representation dated 27.8.2014.

2.The grievance of the petitioner appears to be that his service in the post of Cycle Orderly has not been counted as qualifying service for the purpose of calculating and sanctioning pension. It is further seen that the petitioner has made a representation on 27.08.2014 seeking for the very same benefit. Therefore, it is for the respondents, more particularly, the second respondent, to consider the said representation and pass appropriate orders on the same. At this stage, this Court is not expressing any view on the merits and the claim made by the petitioner.

3.Accordingly, this writ petition is disposed of only with a direction to the second respondent to consider the representation of the petitioner, dated 27.08.2014 and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(T&P)

/TRUE COPY/

Sub Assistant Registrar

To

1.The Commissioner of Municipal Administration,
Ezhigam Annex,
Chepauk,
Chennai 600 005.

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Arignar Anna Maligai,
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4.The Deputy Director of Local Fund Audit,
Madurai Corporation,
Arignar Anna Malai,
Madurai 625 002.

+2cc to M/s.Ajmal Associates,Advocate, SR.No.5940 & 5925

+1cc to Mr.R.Murali,Advocate, SR.No.5733

+1cc to Special Govt.Pleader SR.No.5896

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sms

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