

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.24486 of 2016

Tamil Nadu Corporation and
Municipal Pensioners Association
Reg. No. 102/2006

Represented by its Branch Office Secretary
E. Kaliyaperumal

No.45, Pavalakara Street
Kamatchi Ammanpettai

Gudiyattam, Vellore District

... Petitioner

Vs.

The Municipal Commissioner
Gudiyattam Municipality,
Gudiyattam,
Vellore District.

... Respondent

PRAYER : Writ petition has been filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent to implement the order of the respondent dated 05.02.2016 passed in Na. Ka. No. 693/ 2015/rp1 within a date fixed by this Honourable Court along with interest for the belated payment and thereby dispose of the Petitioner's Letter dated 04.06.2016.

For Petitioner : Mr.A.R.Nixon

For Respondents : Mr.N.Roofus Abraham
Govt. Advocate

ORDER

This writ petition has been filed seeking to issue a Writ of Mandamus directing the respondent to implement the order of the respondent dated 05.02.2016 passed in Na.Ka.No.693/ 2015/rp1 within a date fixed by this Court along with interest for the belated payment and thereby dispose of the Petitioner's letter dated 04.06.2016.

2. Heard Mr.A.R.Nixon, learned counsel appearing for the petitioner and Mr.N.Roofus Abraham, learned counsel appearing for the respondent.

3. The case of the petitioner is that the Government has passed G.O.Ms.No.666, Finance/Pay Commission Department dated 27.04.1989, in and by which recommendation is made to implement V Pay Commission Report to sanction arrears for the period from 01.06.1988 to 31.05.1989, yet the arrears of salary have not been paid and very many representations have been given and taking into consideration of the same, the Gudiyattam Municipality has also passed a positive resolution on 30.04.2015 and in spite of it, the grievance of the petitioner are yet to be addressed. The petitioner Association in this regard also submitted a representation dated 24.04.2015 followed by reminder dated 04.06.2015 and since no orders have been passed, filed Writ Petition No.31554 of 2015 wherein, by order dated 07.10.2015, this court directed the respondent to consider and dispose of the petitioner's representation dated 24.04.2015 and the reminder dated 04.06.2015, on merits and in accordance with law after taking into consideration the resolution passed by the Gudiyattam Municipality dated 30.04.2015, within a period of eight weeks from the date of receipt of a copy of that order.

4. It is the further case of the petitioner that on receipt of the copy of the above order, the petitioner sent a copy of the order to the respondent along with a covering letter dated 05.12.2015, followed by a reminder dated 25.01.2016. On receipt of the same, the then Commissioner in-charge sent a letter dated 04.01.2016 to furnish a copy of list of the beneficiaries. On 02.02.2016, the list of beneficiaries were forwarded by the petitioner. On 05.02.2016, the Commissioner sent a letter stating that the request of the petitioner would be considered only on seniority basis. It is further submitted by the petitioner that the respondent failed to settle the issues, even after a lapse of five months from the date of the order. It is pertinent to note that all the beneficiaries are pensioners and family pensioners and some of the beneficiaries, particularly four of the beneficiaries died. Hence, the petitioner association seeks to dispose of the representation dated 04.06.2016, as expeditiously as possible.

5. Considering the factual aspects of the matter, this Writ Petition is disposed of, with a direction to the respondent to consider the petitioner's representation, dated 04.06.2016, and pass orders on merits and in accordance with law, within a period of six weeks, from the date of receipt of a copy of this order. No costs.

smi

Sd/-

Assistant Registrar (CS-)

/TRUE COPY/

Sub-Assistant Registrar

To

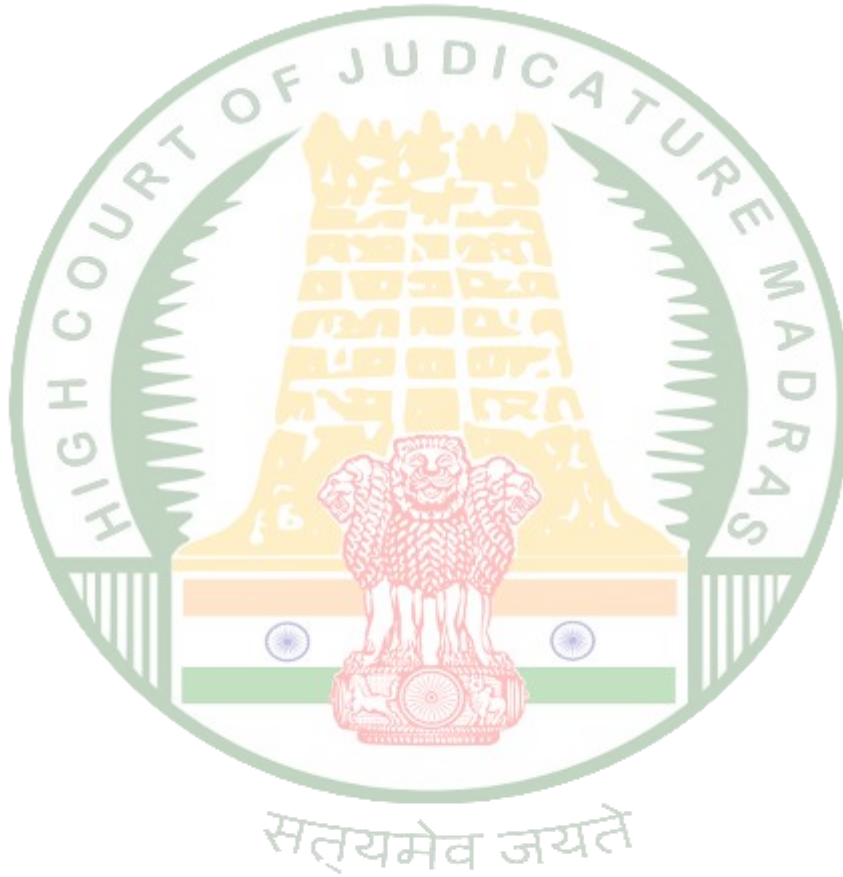
The Municipal Commissioner
Gudiyattam Municipality,
Gudiyattam, Vellore District.

+1 CC Mr.A.R.Nixon Advocate SR.No.57152

W.P.No.24486 of 2016

RSY

MSI 10/11/2016



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