

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2016

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.32416 of 2016

Smt.Uma

... Petitioner

Vs.

- 1 The Govt. of Tamil Nadu,
Rep. by the Secretary to Govt.
Municipal Administration and Water Supply
Department,
Fort St. George, Chennai – 600 009.
- 2 Corporation of Greater Chennai,
Rep. by its Commissioner,
Park Town, Chennai – 600 003.
- 3 Assistant Commissioner,
Zone 7, Corporation of Greater Chennai,
Ambattur, Chennai – 600 054.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing respondents 2 and 3 to consider and dispose of petitioner's representation dated 30.03.2016 and sanction family pension to the petitioner with arrears of pension within a time frame.

For Petitioner : Mr.K.M.Ramesh
For Respondents : Mr.M.S.Ramesh for R1
Additional Government Pleader
Mr.G.Anantharangan for R2 and R3

ORDER

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

2.The present writ petition has been filed seeking a Mandamus directing the directing respondents 2 and 3 to consider and dispose of petitioner's representation dated 30.03.2016 and sanction family pension to the petitioner with arrears of pension within a time frame.

3.In the petition it is stated that the petitioner is the legally wedded wife of one G.Bagaiya, who joined the services of Ambattur Municipality as Sanitary Worker on 13.11.1998 as he was sponsored by the District Employment Exchange for employment in Ambattur Municipality. He was appointed on consolidated wages and was working continuously without any break in Ambattur Municipality and vide, G.O.(Ms.) No.21, Municipal Administration and Water Supply (MC3) Department dated 23.02.2006, his services were regularized in the sanctioned post and was paid time scale of pay of Rs.2550-55-2660-60-3200.

4.It is further stated that though the petitioner's husband is entitled to regularization and time scale of pay on completion of three years of service in terms of G.O.No.71, Municipal Administration and Water Supply Department, dated 05.05.1998, the Ambattur Municipality regularized her husband's service only from 23.02.2006 as per G.O.(Ms.) No.21, Municipal Administration and Water Supply (MC3) Department, dated 23.02.2006 and the Ambattur Municipality covered him under Contributory Provident Fund Scheme and started deducting his contribution from his salary and the petitioner's husband died due to illness on 16.10.2007 while he was in service. In the year 2011, the Ambattur Municipality get merged with the Corporation of Chennai and the employees of the Ambattur Municipality have become employees of the Corporation of Chennai.

5.It is further stated that covering the petitioner's husband under the new pension scheme is not applicable to him, as he was not recruited afresh after 01.04.2003 but, was appointed as early as on 13.11.1998 and subsequently got regularized and was in service while old pension scheme was in force and he is entitled to be covered under the old pension scheme and the petitioner is entitled to family pension. The petitioner in this regard, made representation dated 30.03.2016 to the respondents 2 and 3, but it has not been considered so far.

Hence, left with no other alternative, the petitioner has come up with the present writ petition.

6. Heard the submissions of the learned counsel appearing for the petitioner, the learned Additional Government Pleader who takes notice for the first respondent and the learned counsel who takes notice for the respondents 2 and 3.

7. Considering the submissions made on either side, this Court directs the petitioner to give a copy of the representation dated 30.03.2016, along with a copy of this order, to the respondents 2 and 3, within a period of one week from the date of receipt of a copy of this order and the respondents 2 and 3 on receipt of the same, are directed to consider the representation, in the light of the judgment of the Division Bench of the Madurai Bench of this Court dated 30.09.2015, made in W.A.(MD) No.1026 of 2015 (The State of Tamil Nadu, Rep. by its Secretary, Department of Municipal and Water Supply Department, Fort St. George, Chennai – 600 009 and five others Vs. R.Kesavan) and pass appropriate orders, within a period of six weeks thereafter.

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

16.09.2016

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Index: Yes/ No

Internet: Yes/ No

To

- 1 The Secretary to Government,
Municipal Administration and Water Supply
Department,
Fort St. George, Chennai – 600 009.
- 2 Corporation of Greater Chennai,
Rep. by its Commissioner,
Park Town, Chennai – 600 003.
- 3 The Assistant Commissioner,
Zone 7, Corporation of Greater Chennai,
Ambattur, Chennai – 600 054.

R.SUBBIAH,J.

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