

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.35115 of 2016

M.Gopal

... Petitioner

vs.

1. The Commissioner,
Corporation of Chennai,
Rippon Buildings, Chennai-3.
2. The Zonal Officer,
Zone V, Corporation of Chennai,
Basin Bridge, Chennai-21.
3. The Zonal Officer,
Zone-IV, Corporation of Chennai,
Tondiarpet, T.H.Road,
Chennai-21.

... Respondents

Writ Petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the 1st respondent to consider the petitioner's representation dated 26.02.2016 and to grant pensionary benefits and terminal benefits by taking 50% of temporary service of the petitioner served in the 1st respondent Corporation from 06.06.1976 to 22.02.1987 as per G.O.408, dated 25.08.2009, Finance (Pension) Department and other service benefits along with suitable interest.

For Petitioner : Mr.R.Narendran

For Respondents : Mr.Ananda Rangan

ORDER

The Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the 1st respondent to consider the petitioner's representation dated 26.02.2016 and to grant pensionary benefits and terminal benefits by taking into account 50% of temporary service of the petitioner served in the 1st respondent Corporation from 06.06.1976 to 22.02.1987 as per G.O.408, Finance (Pension) Department, dated 25.08.2009, and other service benefits along with suitable interest.

2. According to the petitioner, he has been appointed as Substitute Sanitary Worker on daily wages in the Corporation of Chennai on 06.06.1976 and worked till 22.02.1987. By an order dated 24.03.1987, he was made permanent along with other substituted sanitary workers and posted as Sanitary Worker and attained superannuation on 30.06.2014.

3. Further, according to the petitioner, while calculating the pensionary benefits and terminal benefits, his 50% of temporary service was not taken into account i.e. 5 years 4 months out of 10 years and 8 months of temporary service as per G.O.No.408 dated 25.08.2009, Finance (Pension) Department and he was paid only Rs.2,96,050/- towards terminal benefits and Rs.1,63,537/- towards commutation amount by calculating his permanent service of 27 years and 7 months. Hence, the petitioner made a representations to the 1st respondent on 26.02.2015 and 15.03.2016 to grant pensionary benefits and terminal benefits by taking into account 50% of temporary service of the petitioner served in the 1st respondent Corporation from 06.06.1976 to 22.02.1987. Since no order has been passed on the same, the petitioner is before this Court with this Writ Petition.

4. Heard the learned Counsel for the petitioner and the learned Counsel who takes notice on behalf of the respondents.

5. Considering the facts and circumstance of the matter, without going into the merits of the claim made by the petitioner, this Court directs the petitioner to give a fresh representation to the 1st respondent along with a copy of this Order within a period of two weeks from the date of receipt of a copy of this Order and on receipt of the same, the 1st respondent shall pass orders on merits and in accordance with law and also in the light of G.O.No.408 dated 25.08.2009, Finance (Pension) Department, within a period of four weeks thereafter.

6. The Writ Petition is disposed of accordingly. No costs.

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-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Commissioner,
Corporation of Chennai,
Rippon Buildings, Chennai-3.
2. The Zonal Officer,
Zone V, Corporation of Chennai,
Basin Bridge, Chennai-21.
3. The Zonal Officer,
Zone-IV, Corporation of Chennai,
Tondiarpet, T.H.Road,
Chennai-21.

+1 cc to M/s.G.Anantharangan Advocate sr 56844
+1 cc to Special Government Pleader sr 57726

W.P.No.35115 of 2016

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aa08/11/2016



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