

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.36088 of 2016

Nagamma

... Petitioner

vs.

1. The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai-3.
2. The Zonal Officer,
New Zone-V,
Greater Corporation of Chennai,
Basin Bridge Salai,
Chennai-79.
3. The Secretary to Government,
Municipal Administration,
Water Supply Department,
Fort St. George,
Chennai-9.

.... 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 31.08.2016 and to grant pensionary benefits and terminal benefits by taking 50% temporary service of the petitioner served in the 1st respondent Corporation from 02.02.1971 to 21.02.1987 as per G.O.Ms.No.408, dated 25.08.2009, Finance (Pension) Department and other service benefits along with suitable interest to the petitioner.

For Petitioner : M/s.N.Beulah John Selvaraj

For Respondents : Mr.G.Anantharangan
1 and 2

For 3rd respondent : Mr.K.Dhananjayan,
Spl. Govt. Pleader

ORDER

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

2. The petitioner has come up with the present writ petition for a mandamus, directing the 1st respondent to consider the petitioner's representation dated 31.08.2016 and to grant pensionary benefits and terminal benefits by taking 50% temporary service of the petitioner served in the 1st respondent Corporation from 02.02.1971 to 21.02.1987 as per G.O.Ms.No.408, dated 25.08.2009, Finance (Pension) Department and other service benefits along with suitable interest to the petitioner.

3. The petitioner was appointed as Substitute Sanitary Worker on 02.02.1971 and he was made permanent on 21.02.1987 at the time when he was working in Old Division 45, Unit VIII, Old Zone III. At the time of retirement, on attaining the age of superannuation on 30.06.2015, he was working as a Sanitary Worker in Division 72, Unit 17, Zone VI Greater Corporation of Chennai. While so, the petitioner made a representation on 31.08.2016 to the 1st respondent to count 50% of temporary service from 02.02.1971 to 21.02.1987 along with regular service for payment of pensionary benefit as per G.O.Ms.No.408, Finance Department, dated 25.08.2009. But the same has not been considered. Hence the petitioner is before this Court with this Writ Petition.

4. I have heard the learned counsel appearing for the petitioner and the learned counsel, who has taken notice on behalf of the respondents 1 and 2 and the learned Special Government Pleader who has taken notice on behalf of the 3rd respondent.

5. Considering the facts and circumstances of the matter, without going into the merits of the claim made by the petitioner, this Court directs the 1st respondent to consider the representation of the petitioner dated 31.08.2016 and pass appropriate orders with regard to payment of pensionary benefits, on merits and in accordance with law and also in the light of the Government Order passed in G.O.Ms.No.408, Finance Department, dated 25.08.2009, within a period of six weeks from the date of receipt of a copy of this Order.

6. With the above direction, the present writ petition is disposed of. No costs.

tsi

Sd/-
Assistant Registrar (CS-)

/TRUE COPY/

Sub-Assistant Registrar

To

1. The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai-3.
2. The Zonal Officer,
New Zone-V,
Greater Corporation of Chennai,
Basin Bridge Salai,
Chennai-79.
3. The Secretary to Government,
Municipal Administration,
Water Supply Department,
Fort St. George,
Chennai-9.

+1 CC Mr.G.Anantharangan Advocate SR.No.58666

+1 CC M/s.N.Beulah John Selvaraj Advocate SR.No.58395

W.P.No.36088 of 2016

SV

MSI 12/11/2016

WEB COPY