

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2016

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.36224 of 2016

J.Polaiya

... Petitioner

vs.

1.The Commissioner,
Corporation of Chennai,
Rippon Buildings, Chennai – 600 003.

2.The Zonal Officer,
Zone – V, Corporation of Chennai,
Basin Bridge, 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 18.02.2016 and to grant pensionary benefits and terminal benefits by taking 50% of temporary service of the petitioner served in the 1st respondent corporation from 05.02.1989 to 03.01.1998 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.G.Anantharangan

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 18.02.2016 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 05.02.1989 to 03.01.1998 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 05.02.1989 and worked till 03.01.1998. By an order dated 05.01.1998, he was made permanent along with other substituted sanitary workers and posted as Sanitary Worker and attained superannuation on 30.06.2013.

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. 4 years 6 months out of 9 years of temporary service as per G.O.No.408 dated 25.08.2009, Finance (Pension) Department and he was paid only Rs.1,24,434/- towards

terminal benefits and Rs.99,902/- towards commutation amount by calculating his permanent service of 15 years and 5 months and 24 days. Hence, the petitioner made a representations to the 1st respondent on 18.02.2015 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 05.02.1989 to 03.01.1998. 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

R.SUBBIAH, J.

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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.

01.11.2016

Index:Yes/No
Internet: Yes/No
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To

- 1.The Commissioner,
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- 2.The Zonal Officer,
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