

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.37446 of 2016

Kasiamma

[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 FIRST respondent to consider the representation dated 22.2.2016 and to grant pensionary benefits and terminal benefits by taking 50% of temporary service of the petitioner served in the first respondent corporation from 1.3.1975 to 22.2.1987 as per G.O.408 dated 25.8.2009 Finance (Pension) Department and other service benefits along with suitable interest.

For Petitioner : Mr.R.Narendran

For Respondents : Mr.G.Anantharangan

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 first respondent to consider the representation dated 22.2.2016 and to grant pensionary benefits and terminal benefits by taking 50% of temporary service served in the first respondent corporation from 1.3.1975 to 22.2.1987 as per G.O.408 dated 25.8.2009 Finance (Pension) Department and other service benefits along with suitable interest.

3. It is the case of the petitioner that she was appointed as Substitute Sanitary Worker on daily wage basis in the respondent corporation on 1.3.1975. Thereafter, she was made

permanent along with other workers by order dated 25.2.1987. Later, she retired from service on 30.6.2015 on attaining the age of superannuation. She has rendered service for the period of 12 years and one month as temporary worker and 28 years and five months as permanent worker. However, while calculating her terminal benefits, her 50% of the temporary service was not taken into account as per G.O.408 dated 25.8.2009 Finance (Pension) Department. In this regard, she made several representations to the respondents. But, the same was not considered. Finally, she sent a representation dated 22.2.2016 to the first respondent requesting him to take 50% of her temporary service while calculating the terminal benefits. Since the same was also not considered, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4. Today, when the matter was taken up for consideration, learned counsel appearing for the petitioner submitted that the petitioner has rendered service as temporary worker for 12 years and one month and as per G.O.408 dated 25.8.2009 Finance (Pension) Department, 50% of the said service viz., 6 years has to be taken into account while calculating her terminal benefits.

5. I have also heard the learned counsel, who has taken notice on behalf of the respondents.

6. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim projected by the petitioner, this Court directs the petitioner to send a fresh representation along with a copy of this order to the first respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the first respondent is directed to consider the said representation seeking pensionary benefits and terminal benefits by taking 50% of temporary service of the petitioner served in the first respondent corporation from 1.3.1975 to 22.2.1987 and pass appropriate orders, on merits and in accordance with law and also in the light of G.O.408 dated 25.8.2009 Finance (Pension) Department, within a period of six weeks thereafter. The writ petition is disposed of accordingly. No costs.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

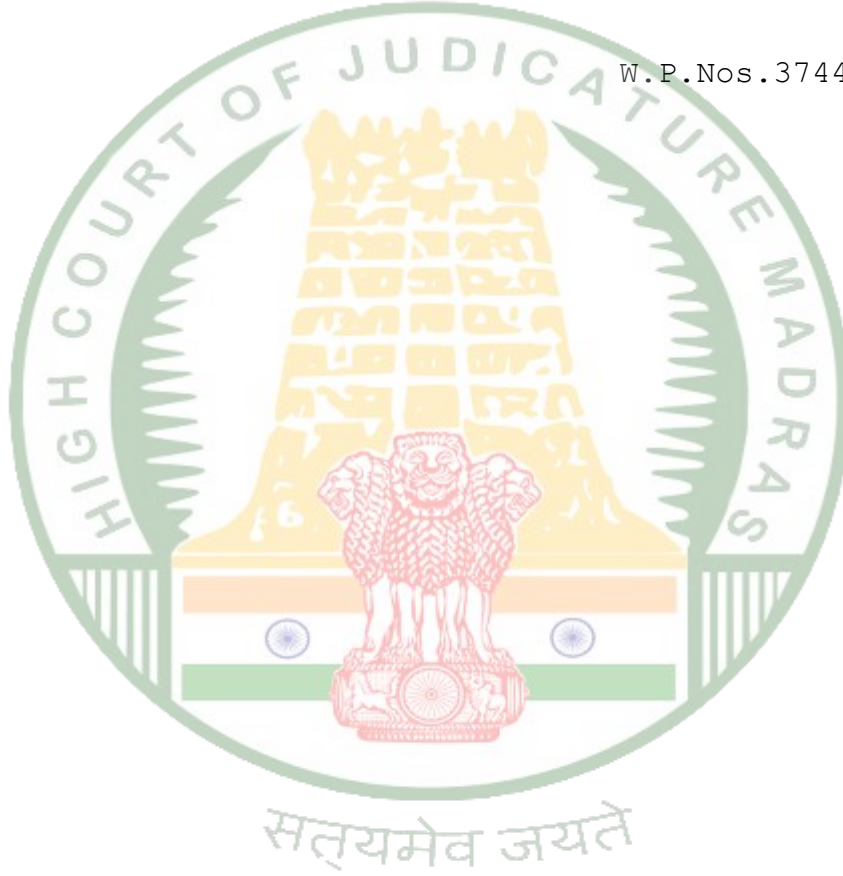
sbi

To

- 1 The Commissioner
Corporation of Chennai Rippon Buildings
Chennai-600 003.
 - 2 The Zonal Officer
Zone-V Corporation of Chennai Basin Bridge
Chennai-21
- 1 cc to Mr.R. Narendran, Advocate, Sr. 61211
1 cc to Mr.G. Ananthaangan, Advocate, Sr. 61202

SCD (CO)
kk 25/11

W.P.Nos.37446 of 2016



WEB COPY