

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.37447 of 2016

K.Venkatamma

... PETITIONER

Vs

1. The Commissioner  
Corporation of Chennai  
Rippon Buildings  
Chennai-600 003.
2. The Zonal Officer  
Zone-9 Corporation of Chennai  
Royapet High Road Chennai-600 004.
3. The Zonal Officer  
Zone-IV Corporation of Chennai  
No.226 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 first respondent to consider the representation dated 19.6.2015 and to grant pensionary benefits and terminal benefits by taking 50% of temporary service of the petitioner served in the first respondent corporation from 14.11.1974 to 2.9.1986 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 19.6.2015 and to grant pensionary benefits and terminal benefits by taking 50% of temporary service served in the first respondent corporation from 14.11.1974 to 2.9.1986 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 14.11.1974. Thereafter, she was made permanent along with other workers by order dated 3.9.1986. Later, she retired from service on 30.6.2014 on attaining the age of superannuation. She has rendered service for the period of 11 years and 10 months as temporary worker and 27 years and nine 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 19.6.2015 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 11 years and ten months and as per G.O.408 dated 25.8.2009 Finance (Pension) Department, 50% of the said service viz., 5 years 11 months 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 14.11.1974 to 2.9.1986 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/-  
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

sbi

To

1. The Commissioner  
Corporation of Chennai  
Rippon Buildings  
Chennai-600 003.
2. The Zonal Officer  
Zone-9 Corporation of Chennai  
Royapet High Road Chennai-600 004.
3. The Zonal Officer  
Zone-IV Corporation of Chennai  
No.226 T.H.Road Chennai-21.

+1cc to Mr.G.Anantharangan, Advocate, S.R.No.61204  
+1cc to Mr.R.Narendran, Advocate, S.R.No.61212

W.P.Nos.37447 of 2016

NM(CO)  
CA(25/11/2016)

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