



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2016

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THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.23556 of 2016

M.Meenal

... Petitioner

vs.

The Commissioner,
Madurai Corporation,
Madurai.

... Respondent

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondent to consider the petitioner's representation dated 06.01.2016 seeking interest for the delayed retirement benefits within the period that may be stipulated by this Hon'ble Court.

For Petitioner : Mr.M.Natarjan

For Respondent : Mr.Prabhu Ramachandran

ORDER

This Writ of Mandamus has been filed seeking for a direction to the respondent to consider the petitioner's representation dated 06.01.2016, seeking interest for the delayed payment of retirement benefits within the period that may be stipulated by this Court.

2.The petitioner was appointed as Sweeper cum Waterman in Thiraviyampillai Hospital on 24.03.1973. The age of superannuation for the post of Sweeper cum Waterman is 60 years, which was due on 20.01.2002. But, by letter dated 19.09.2000, she was informed that his retirement age is 58 only and since she had crossed the date of superannuation on 31.01.2000 itself, she was compulsorily retired from service on 30.01.2000. She has completed 9 years and 9 months of service. She made a representation dated 24.05.2006 to the respondent, seeking to disburse her retirement benefits and the respondent passed an order dated 09.05.2007, rejecting the claim of the petitioner stating that her service from 01.02.2000 to 13.09.2000 rendered after the actual age of superannuation namely, 58, cannot be considered for computation of pension. Hence, she filed W.P(MD)No.5517 of 2007, challenging the said order dated 09.05.2007 and this Court, by the order dated 21.11.2008, setting aside the order impugned therein, directed the



respondent to pay pension to the petitioner. Complaining non compliance of the order made in W.P(MD)No.5517 of 2007, dated 21.11.2008, the petitioner filed Cont.P(MD)No.476 of 2009 and thereafter, the respondent settled the retirement benefits payable to the petitioner. Subsequently, she made representations on 12.03.2012, 25.01.2014 and on 06.01.2016 respectively, seeking interest for the delayed payment of retirement benefits. As the said representations were not considered, this writ petition has been filed.

3.Learned standing counsel appearing for the respondent corporation would submit that it is agreeable for the respondent to consider the representation of the petitioner dated 06.01.2016 and to pass orders.

4.Recording the submission made by the learned counsel for the respondent, the respondent is directed to consider the representation of the petitioner dated 06.01.2016 and to pass appropriate orders, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar

To
The Commissioner,
Madurai Corporation,
Madurai.

+1cc to Mr.Prabu Ramachandran, Advocate SR.No.79210

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