



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2016

CORAM :

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

Writ Petition (MD) No.4273 of 2016

WEB COPY

- 1.Backiam
- 2.Leelavathy
- 3.Marimuthu
- 4.Mageswari
- 5.Muthupandian
- 6.Ramachandran
- 7.Ammathai
- 8.Raj
- 9.Malliga
- 10.Marichamy
- 11.Vadivel
- 12.Rasaiah
- 13.Muthiah
- 14.Alagar
- 15.Shanmugavel
- 16.Pandi
- 17.Marichamy
- 18.Rajamani
- 19.Vijaya
- 20.Chellammal

... Petitioners

Vs.

1.The Secretary to Government,
Municipal Administration & Water Supply
Department,
Government of Tamil Nadu,
Fort St., George,
Chennai 600 009.

2.The Commissioner cum Director of
Municipal Administration & Water Supply
Department, Chepauk,
Chennai 600 005.

3.The Commissioner,
Theni Allinagaram Municipality,
Theni District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents herein to pass orders on the recommendation of the 3rd respondent in proceedings Na.ka.No.5575/2013/H-1 dated 18.6.2015 treating the petitioners herein as pensioners under the Tamil Nadu Pension Rules 1978 (old pension scheme) from their date of appointment as Sanitary workers on 12.10.1998 and 12.4.2000 in the time scale of pay.



ORDER

The petitioners have come up with the above writ petition seeking for the issue of a writ of mandamus, to direct the respondents to pass orders on the recommendation of the third respondent in proceedings Na.ka.No.5575/2013/H-1 dated 18.6.2015 treating them as pensioners under the Tamil Nadu Pension Rules 1978 (old pension scheme) from their date of appointment as sanitary workers on 12.10.1998 and 12.4.2000 in the time scale of pay.

2. Heard the learned counsel for the petitioner. Mr.G.Muthukannan, learned Government Advocate takes notice for the respondents 1 and 2.

3. According to the petitioners, they have appointed as sanitary workers with the third respondent municipality and they were expecting approval from 2001. It is further submitted that there was a ban for filling up of posts, regularisation and promotion for a period of five years. The said ban was revoked in the year 2006 and therefore, they were sought for regularisation. According to them, they are entitled for pension under the Tamil Nadu Pension Rules 1978. In such circumstances, they have sent joint representation to the third respondent for the said relief who in turn sent proposals to the first respondent on 18.06.2015 recommending the names of 48 sanitary workers including that of the petitioners herein for grant of pension. The said proposal is pending consideration before the first respondent without any response. Hence, the petitioners have come up with the above writ petition.

4. Considering the above facts and circumstances and without going into the merits of the case, the writ petition is disposed of directing the respondents 1 and 2 to pass appropriate orders on the recommendation of the third respondent dated 18.06.2015, within a period of six weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(Crl.side)

/True copy/

Sub Assistant Registrar

1. The Secretary to Government,
Municipal Administration & Water Supply
Department, Government of Tamil Nadu,
Fort St., George, Chennai 600 009.

2. The Commissioner cum Director of
Municipal Administration & Water Supply
Department, Chepauk, Chennai 600 005.

3. The Commissioner,
Theni Allinagaram Municipality,
Theni District.

+1cc to M/s.K.Appadurai, Advocate SR.No.11893
+1cc to special Government Pleader SR.No.12128