

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.05.2017

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.13426 of 2017

P.Samuel

... Petitioner

Vs.

1. The Commissioner
Greater Chennai Corporation
Rippon Building
Chennai 600 003.
2. The Zonal Officer
New Zone - VIII
Greater Corporation of Chennai
Shenoy Nagar
Chennai 600 030.
3. The Secretary to Government
Municipal Administration
Water Supply Department
Government of Tamil Nadu
Fort St. George
Chennai 600 009.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the 1st Respondent to consider the petitioner's representation dated 04.04.2017 and 17.05.2017 and to grant pensionary benefits and terminal benefits by taking account of 50% temporary service of the petitioner served in the 1st respondent Corporation from 1977 to 15.12.1988 as per G.O.Ms.No.408 dated 25.8.2009 Finance (Pension) department and other service benefits along with suitable interest to the petitioner.

For Petitioner : Mr.N.Beulah John Selvaraj

For Respondents : Mr.R.Rajeswaran
Special Government Pleader

O R D E R

Heard the learned counsel for the petitioner and the learned Special Government Pleader, who took notice for the respondents and with their consent, the main writ petition itself is taken up for disposal.

2. The petitioner has filed the present writ petition seeking a direction to the first respondent to consider his representations dated 04.04.2017 and 17.05.2017 and to grant pensionary benefits and terminal benefits by taking account of 50% temporary service of the petitioner, who had been served in the first respondent Corporation from 1977 to 15.12.1988, as per G.O.Ms.No.408 dated 25.8.2009, Finance (Pension) Department and grant other service benefits along with suitable interest to the petitioner.

3. Petitioner was appointed as substitute sanitary worker on 1977 and his services were made permanent on 1988. Petitioner worked as sanitary worker and retired on Superannuation on 30.06.2015. While so, vide G.O.Ms.No.408, Finance (Pensionary) Department, dated 25.08.2009, the government had issued orders to count the half of services rendered in Non-provincialised service, consolidated pay, honourarium and daily wages for the purpose of calculating pensionary benefits.

4. Relying upon the said G.O.Ms.No.408, to take into consideration the half service for the purpose of pensionary claim, the petitioner also made a representation dated 04.04.2017 followed by a remainder dated 17.05.2017. Since the same has not been considered, the petitioner is before this Court.

5. Considering the limited scope of prayer sought for by the petitioner, this Court, without going into the merits of matter, hereby directs the first respondent to consider the representation as well as the remainder of the petitioner dated 04.04.2017 and 17.05.2017 on merits and in accordance with law and also in line with G.O.Ms.No.408, Finance (Pensionary) Department, dated 25.08.2009 if applicable within a period of four weeks from the date of receipt of a copy of this order.

The writ petition is disposed of with the above direction. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

smi

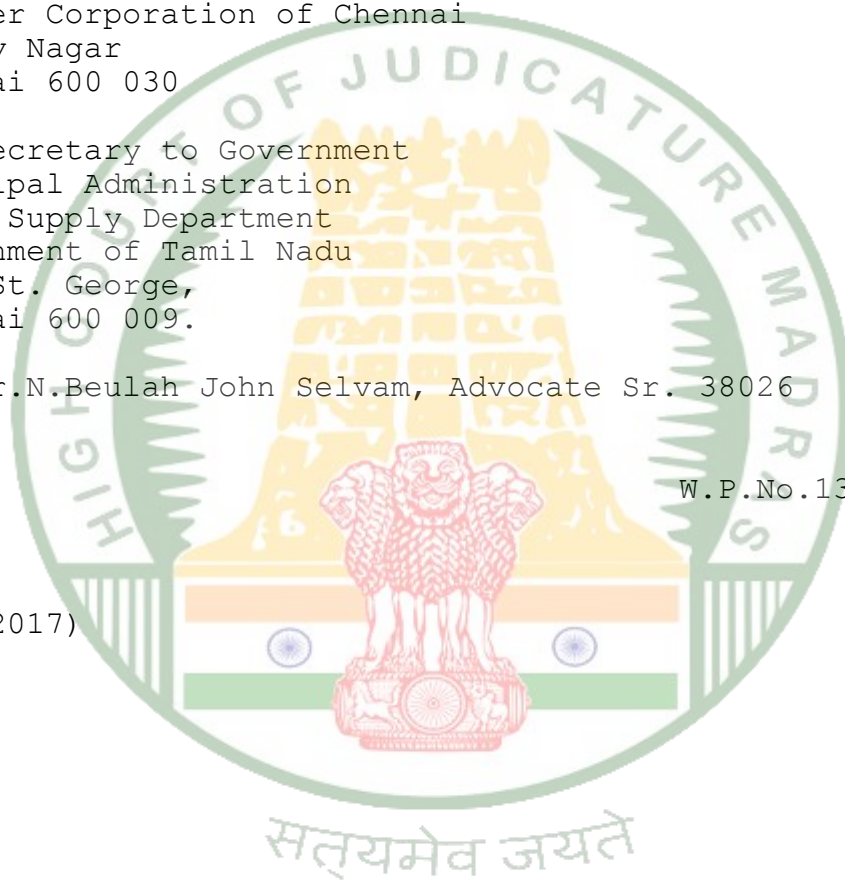
To

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+1cc to Mr.N.Beulah John Selvam, Advocate Sr. 38026

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NMI (CO)
VR(08/06/2017)



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