

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.350/2017

M.Munisamy

..

Petitioner

Vs

- 1.The Principal Secretary to Government
Municipal Administration & Water Supply
Department, Government of Tamil Nadu
Fort St George, Chennai 600 009.
- 2.The Commissioner of Municipal Administration
Government of Tamilnadu, Chepauk,
Chennai 600 005.
- 3.The Director of Municipal Administration
Government of Tamilnadu, Chepauk
Chennai 600 005.
- 4.The Commissioner
Corporation of Vellore
Officers Line, Vellore 632 001. ... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the 1st respondent to accord sanction to the proposal dated 15.04.2014 submitted by the 4th respondent and permit the petitioner to retire from his service on attaining the age of 60 years on 30.06.2010 on superannuation with all attended and monetary benefits thereto as per the Tamil Nadu Basic Service Rules and the Tamil Nadu Pension Rules on merits within the time frame to be fixed by this Court.

For Petitioner : Mr.S.Sivakumar

For RR 1 to 3 : Mrs.M.E.Rani Selvam, AGP

For R4 : Mrs.P.Shanthi

ORDER

By consent, the writ petition is taken up for final disposal. Mrs.M.E.Rani Selvam, learned Additional Government Pleader accepts notice on behalf of the respondents 1 to 3 and Mrs.P.Shanthi, learned counsel accepts notice on behalf of the 4th respondent.

2 The grievance expressed by the petitioner is that though he was initially appointed as Tap Cleaner on daily wage basis, his services came to be regularised and he was also permitted to move selection grade on completion of further 10 years of career and being a person belonging to the Tamil Nadu Municipal Basic Service, he ought to have been retired on attaining the age of 60 years on 30.06.2010 as per Rule 32 of the Pension Rules, 1978, read with FR 56[1][a] of the Tamil Nadu Fundamental Rules and however, he was relieved from duty on attaining the age of 58 years. The petitioner in this regard, had submitted repeated representations and since it did not fructify, he along with one A.Selvaraj, had filed WP.Nos.23672 and 23673/2009, seeking direction to the Director of Local Fund Audit, Chennai-108, to consider and dispose of his representation and it was also ordered on 12.12.2013. Challenging the same, the 4th respondent has filed WA.Nos.1357 and 1358/2014 and those writ appeals were also dismissed and since the orders have not been complied with, the petitioner along with A.Selvaraj had also filed Contempt petitions in Cont.P.Nos.2149 and 2148/2014 respectively and it was disposed of on 30.10.2014, directing the 4th respondent therein to scrupulously comply with the orders. The grievance expressed by the petitioner is that so far no steps have been taken to comply with the request made by the petitioner and A.Selvaraj, as to the extension of their services upto the age of 60 years and to confer the consequential benefits and therefore, the petitioner is constrained to approach this Court by filing the present writ petition.

3 Mrs.P.Shanthi, learned counsel appearing for the 4th respondent, on instructions, would submit that a positive proposal has been forwarded through the respondents 3 and 2, who in turn has forwarded the said proposal to the 1st respondent and the 1st respondent is yet to pass order and as and when orders are passed, the request made by the petitioner would be considered.

4 Mrs.M.E.Rani Selvam, learned Additional Government Pleader appearing for the respondents 1 to 3 would submit that the 1st respondent, based on the proposal submitted to him, will pass orders as expeditiously as possible.

5 This Court, in the light of the above facts and circumstances, directs the 1st respondent to act on the proposal sent by the 4th respondent through the respondents 3 and 2 and pass orders as expeditiously as possible and not later than eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the respondents 2 to 4.

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

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

AP

To

- 1.The Principal Secretary to Government
Municipal Administration & Water Supply
Department, Government of Tamil Nadu
Fort St George, Chennai 600 009.
- 2.The Commissioner of Municipal Administration
Government of Tamilnadu, Chepauk,
Chennai 600 005.
- 3.The Director of Municipal Administration
Government of Tamilnadu, Chepauk
Chennai 600 005.
- 4.The Commissioner
Corporation of Vellore
Officers Line, Vellore 632 001.

+1cc to Government Pleader sr.2092

W.P.No.350/2017

ssk(co)
ss(1/2/2017)

सत्यमेव जयते

WEB COPY