

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.7620 of 2013
& M.P.No.1 of 2013

S.Gangadharan

... Petitioner

Versus

1.The Secretary to Government,
Municipal Administration and Water Supply Department,
Fort St. George, Chennai - 600 009.

2.The Director,
Local Fund Audit,
4th Floor, Kuralagam, Chennai.

3.The Commissioner, Municipal Administration,
6th Floor, Ezhilagam,
Chepauk, Chennai-5.

4.The Commissioner,
Palani Municipality, Palani.

... Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the 1st respondent to calculate the half of the non-pensionable services rendered by the petitioner in Tamil Nadu Steels Ltd., Arakkonam along with the pensionable service in the 4th respondent for calculating the pension as per G.O.Ms.No.118 Finance (Pension) Department dated 14.2.1996 and pay the pensionary benefits to the petitioner from the date of retirement.

For Petitioner : Mr.J.Shanmugasundarababu

For RR1 to 3 : Mr.A.Raja Perumal,
Additional Government Pleader

For RR4 : No Appearance

O R D E R

The petitioner has filed this petition to direct the 1st respondent to calculate the half of the non-pensionable services rendered by the petitioner in Tamil Nadu Steels Ltd., Arakkonam along with the pensionable service in the 4th

respondent for calculating the pension, as per G.O.Ms.No.118 Finance (Pension) Department dated 14.2.1996 and pay the pensionary benefits to the petitioner from the date of retirement.

2. The learned counsel appearing for the petitioner has submitted that the petitioner was working as a Senior Work Assistant in the Tamil Nadu Steels Ltd., Arakkonam, which is a Government of Tamil Nadu undertaking company. It was a non-pensionable establishment till 1998.

3. The petitioner states that after closure of the Tamil Nadu Steels Ltd., Arakkonam, the Government of TamilNadu has passed G.O.Ms.No.524, dated 21.08.1988, wherein the Government has decided to absorb the employees of Tamil Nadu Steels Ltd. in other public sector undertaking including the State Transport Corporation and Local Bodies. The petitioner was appointed as Assistant Draughtsman and absorbed at Dharapuram Municipality on 20.05.1999. Thereafter, he was promoted as Town Planning Inspector, then he was transferred to Palani Municipality in 2004 and he retired from service on 31.01.2006 as Town Planning Inspector. The petitioner has rendered 6 years 8 months and 10 days of service in the Municipality, with a shortage of 3 years 3 months and 20 days for eligibility of pension.

4. The qualifying service for entitlement of pension in the Municipality is 10 years of service. Hence, the petitioner has made representation to the first respondent on 10.12.2012, through registered post. So far there is no order has been passed by the first respondent, therefore the petitioner has filed this Writ Petition with the aforesaid relief.

5. The learned counsel for the petitioner has relied upon the provisions under Rule 11 (2) of the Tamil Nadu Pension Rules 1978. Thereby, half of the Service entered by the petitioner in the non-pensionary department shall be considered for the purpose of pensionary benefits.

6. The learned Additional Government Pleader has submitted that if the said representation is pending, the same shall be considered by the respondent, in accordance with law as expeditiously as possible.

7. On considering the facts and circumstances of the case, this Court directs the first respondent to consider the petitioner's representation dated 10.12.2012, under Rule 11 (2) of the Tamil Nadu Pension Rules 1978 and to pass order, on merits and in accordance with law as expeditiously as possible, possibly within the period of 4 months from the date of receipt of a copy of this order. The petitioner is directed to appear before the first respondent with the copy of the said representation along with the copy of this order.

8. With the above observation, the Writ Petition is disposed of. No Costs. Consequently, the connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

pvs

To

- 1.The Secretary to Government,
Municipal Administration and Water Supply Department,
Fort St. George, Chennai - 600 009.
- 2.The Director,
Local Fund Audit,
4th Floor, Kuralagam, Chennai.
- 3.The Commissioner, Municipal Administration,
6th Floor, Ezhilagam,
Chepauk, Chennai-5.
- 4.The Commissioner,
Palani Municipality,
Palani.

+1cc to Mr.J.Shanmugasundarababu, Advocate, S.R.No.6644
+1cc to the Government Pleader, S.R.No.6926

सत्यमेव जयते

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RSY(CO)
CA(01/03/2017)

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