

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2017

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 1888 of 2017

S.Thiyagarajan

.. Petitioner

Vs.

- 1.The Secretary to Government,
Municipal Administration and Water Supply Department,
Fort St. George, Chennai - 600 009.
 2. The Commissioner of Municipal Administration,
Chepauk, Chennai - 600 005.
 3. The Commissioner,
Pollachi Municipality, Pollachi.
- ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to treat the period of the petitioner's service from 29.01.1990 to 11.07.2011 as continuity of service for the purpose of pension.

For Petitioner : M/s.S.Ilamvaludhi
For RR1 & 2 : Mr.P.Chinna Durai, GA
For RR3 : No Appearance

O R D E R

Heard M/s.S.Ilamvaludhi, learned counsel appearing for the petitioner and Mr.P.Chinna Durai, learned Government Advocate appearing for the respondents 1 and 2.

2. By consent of the parties the Writ Petition is taken up for final disposal.

3. The learned counsel for the petitioner has submitted that the petitioner was appointed in the 3rd respondent Municipality on 29.01.1990. After serving from 1992 to 1995, he was terminated from service. The petitioner has challenged the same before the Labour Court of Coimbatore in Industrial Dispute No.168 of 1998. The petition was allowed in favour of the petitioner and directed the 3rd respondent herein, to reinstate the petitioner in service with all backwages. The said order was not complied with, hence the petitioner has filed a Writ Petition No.7862 of 2001. When the said Writ Petition was

pending, the department has challenged the award of the Labour in W.P.No.2862 of 2001 and the same was dismissed and they were again before this Court with Writ Appeal in W.A.No.3282 of 2004 and the same also dismissed. Thereafter, based on the Government Order in G.O.2D.No.249, Municipal Administration and Water Supply Department, dated 11.07.2011, the petitioner was appointed as Record Clerk at Kangeyam Municipality.

4. Now, the petitioner has made a representation to the first respondent, on 12.01.2017, to treat the period of service from 29.01.1990 to 11.07.2011 as continuity of service, for the purpose of pension and other pensionary benefits. Eventhough the representation was given only on 12.01.2017, it is suffice to direct the first respondent to consider his representation.

5. The learned Government Advocate appearing for the respondents 1 and 2 has submitted that if the said application is pending, the first respondent will consider the representation on merits and in accordance with law.

6. In view of the submission of the counsel for both sides, this Court is inclined to direct the first respondent to consider petitioner's representation dated 12.01.2017 and pass orders, on merits and in accordance with law as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of this order.

7. With the above observations and directions, the Writ Petition is disposed of. No Costs.

s/d-

Assistant Registrar (CO)

//True Copy//

Sub-Assistant Registrar

To

1. The Secretary to Government,
Municipal Administration and Water Supply Department,
Fort St. George, Chennai - 600 009.
2. The Commissioner of Municipal Administration,
Chepauk, Chennai - 600 005.

3. The Commissioner,
Pollachi Municipality, Pollachi.

+1 CC to The Govt. Pleader sr 5272

+1 CC to Mr. S. Ilamvaludhi, Advocate sr 4994

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PA (CO)
sp/9/2



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