

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07-08-2017

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.31179 of 2016

T.Nagaiah

.. Petitioner

vs.

1. Corporation of Chennai,
Rep. by its Commissioner,
Rippon Building,
Chennai-600 002.

2. Assistant Engineer,
Zone 10, Division 142, Unit 30,
(earlier Zone 9, Division 135, Unit 27),
Corporation of Chennai,
Saidapet,
Chennai-600 015.

3. Accounts Officer (Pension),
Public Department,
Pension Division,
Corporation of Chennai,
Chennai-600 003.

.. Respondents

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This Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, after calling for the concerned records from the third respondent, quash the order of the third respondent dated 9.6.2016 bearing Po.thu.Na.Ka.No.B9/18128/2016 as illegal, arbitrary and contrary to law and consequently direct the respondents to calculate the pension for the 35 years of service rendered by the petitioner and fix correct pension

from the date of superannuation of the petitioner that is from 1.7.2005, pay arrears of pension and continue to pay correct revised pension.

For Petitioner : Mr.Balan Haridas

For Respondents : Mr.G.Anantharangan,
Standing Counsel for Chennai
Corporation.

ORDER

The order of rejection dated 9.6.2016 rejecting the claim of the writ petition for granting monthly pension is under challenge in this writ petition.

2. The learned counsel appearing for the writ petitioner contended that there was an error in calculating the qualifying service rendered by the writ petitioner and an erroneous rejection order was passed. The learned counsel for the petitioner further contended that citing all these reasons, respondents 1 and 2 have to re-consider the entire issue in the representation submitted by the writ petitioner on 25.7.2016. Further, it is contended by the learned counsel for the petitioner that the impugned order was passed out of an error in the calculation of the qualifying service rendered by the writ petitioner. Thus, it is suffice to remit the matter back to the respondents 1 and 2, for reconsideration.

3. Considering the restricted submissions made on behalf of the writ petitioner, the impugned order issued by the third respondent in proceedings dated 9.6.2016 is quashed and the matter is remitted back to the third respondent to reconsider the entire issue on merits and in accordance with law and take appropriate decision in this regard as early as possible, by providing opportunities to the writ petitioner. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs.

07-08-2017

Speaking Order/Non-Speaking Order.

Index : Yes/No.

Internet : Yes/No.

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To

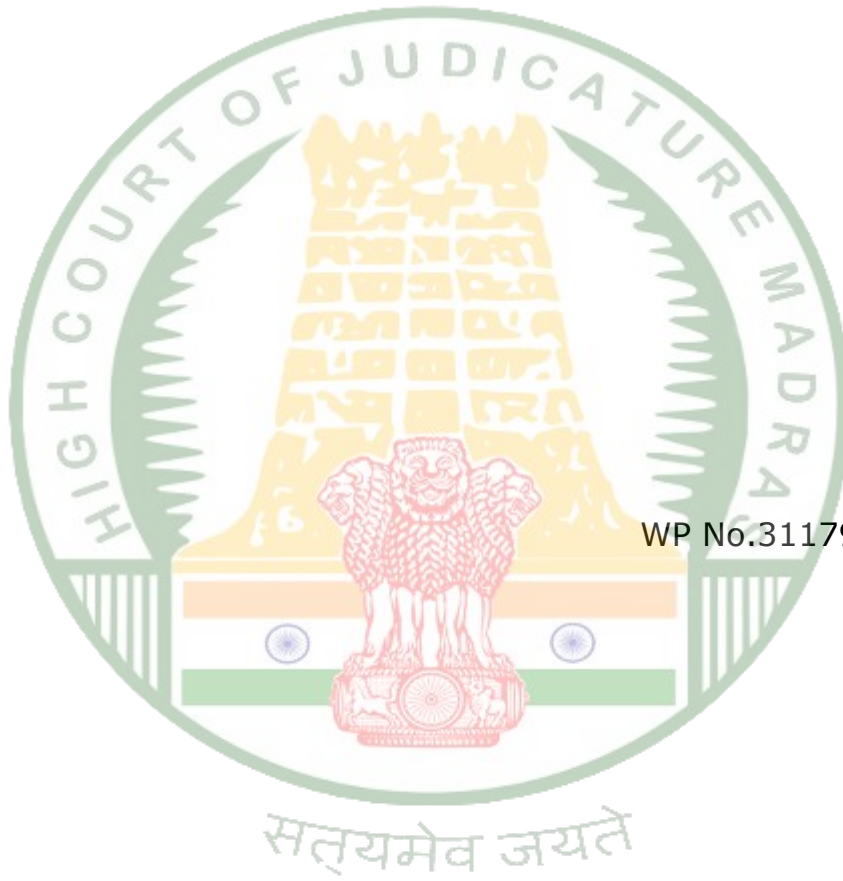
1.The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai-600 002.

2.Assistant Engineer,
Zone 10, Division 142, Unit 30,
(earlier Zone 9, Division 135, Unit 27),
Corporation of Chennai,
Saidapet,
Chennai-600 015.

3.Accounts Officer (Pension),
Public Department,
Pension Division,
Corporation of Chennai,
Chennai-600 003.

S.M.SUBRAMANIAM, J.

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