

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2017

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Writ Petition Nos.23554, 23555 and 23564 of 2004
and
W.P.M.P.Nos.28524 and 28525 of 2004

Lakshmi ... Petitioner in W.P.23554 of 2004
S.Selvaraj ... Petitioner in W.P.23555 of 2004
S.Sahul Hameed ... Petitioner in W.P.23564 of 2004

Vs

The Commissioner,
Udumalpet Municipality,
Udumalpet, Coimbatore. ... Respondent in all the W.Ps.

Petitions filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records relating to the proceedings bearing No.Na.Ka.No.2516/04/B2 dated 10.6.2004 on the file of the respondent and to quash the same.

For petitioner in : Mr.K.Surendranath
all W.Ps.

For respondents : Mr.G.Sankaran
in W.P.Nos.23554 &
23555/2004

For respondents : Mr.M.Liagat Ali
in W.P.No.23564/2004

C O M M O N O R D E R

Since the issue involved in all these Writ Petitions is one and the same, they were heard together and they are disposed of by this Common Order.

2. The case of the petitioners is that they are all Sanitary Workers in the respondent Municipality. After completion of 30 years of their service, all of them retired voluntarily in the year 2003. After retirement, as per the Local Fund Audit, pension was sanctioned for the petitioners

calculating their total years of service and the petitioners were receiving the pension from April, 2004 onwards. While so, in the month of June, 2004, the respondent suspended the payment of pension on the ground that the petitioners approached the Labour Court for payment of Gratuity. Hence, the present Writ Petitions have been filed.

3. Heard the learned Counsel for the petitioners and the learned Counsel appearing for the respondent and I have also carefully gone through the materials available on record.

4. On the face of the records, it is obvious that the impugned order itself is per se illegal. The petitioners have right to approach the authority concerned under the payment of Gratuity Act. For that ground, the respondent has no power to suspend their pension. In view of the above, the impugned order of the respondent dated 10.6.2004 is set aside and the Writ Petitions stand allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

tsi

To

The Commissioner,
Udumalpet Municipality,
Udumalpet, Coimbatore.

+1cc to Mr.K.Surendranath, Advocate, S.R.No.67443

W.P.Nos.23554, 23555 and 23564 of 2004

VGII (CO)
CA(13/10/2017)

WEB COPY