

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.4492 of 2018

P.Dhanapalan

... Petitioner

Vs.

1.The Commissioner,
Salem Corporation, Salem.

2.The Secretary,
Municipal Administration and
Water Supply Department,
Fort St. George, Chennai-9.

3.The Principal Accountant General,
O/o. The Accountant General,
Theynampet, Chennai-600 018.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the claim of the petitioner for grant of Pension and Pensionary Benefits as per Revised Pension Rules, by taking into account, the 50% of the casual labourer services rendered by the petitioner between 1986 and 2006 works out to 10 years of qualifying services and the entire services rendered after being brought into regular establishment till the date of his superannuation i.e., between 2006 and 30.06.2016 in all making it as 20 years of qualifying services for the purpose of arriving at pension and other pensionary benefits to the petitioner on the basis of the representation dated 19.11.2016 and that of the dictum of law laid down in W.A.(MD) No.1390 of 2016 dated 11.11.2016.

For Petitioner : Mr.L.Chandrakumar

For R1 : Mrs.R.Bhuvaneshwari,
Standing Counsel

For R2 : Mr.V.Jayaprakash Narayanan,
Special Government Pleader

ORDER

The petitioner is a retired unskilled worker from the Salem Corporation/first respondent herein on 30.06.2016 on attaining the age of superannuation after rendering 30 years of services. But he has got a grievance that the respondents have not come forward to pay his pension and other monetary benefits, for which, he has given a detailed representation dated 19.11.2016 and the same is also pending.

2.Learned counsel appearing for the petitioner would submit that the petitioner is also entitled to get the benefit of Contributory Pension Scheme for a fresh recruit, who entered the services on or after 01.04.2003, and not to those persons, who had rendered services even prior to 1986. But the petitioner was recruited through the Employment Exchange in the year 1986. He would further submit that if the respondents considered at least 50% of his casual labour services rendered between 1986 and 2006, he would have given the minimum pensionary benefits. Explaining these detail, his representation dated 19.11.2016 is pending. Therefore, a direction be issued to consider the same.

3.Learned Special Government Pleader takes notice for the second respondent.

4. Since no notice is required to the third respondent at this stage, this Court directs the first respondent to consider the representation of the petitioner dated 19.11.2016 and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. It is claimed that the petitioner is also entitled to get the benefit of the order passed in W.A.(MD) No.1390 of 2016, dated 11.11.2016. The first respondent may consider the same also.

5. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

abr/jrl

To

1.The Commissioner,
Salem Corporation, Salem.

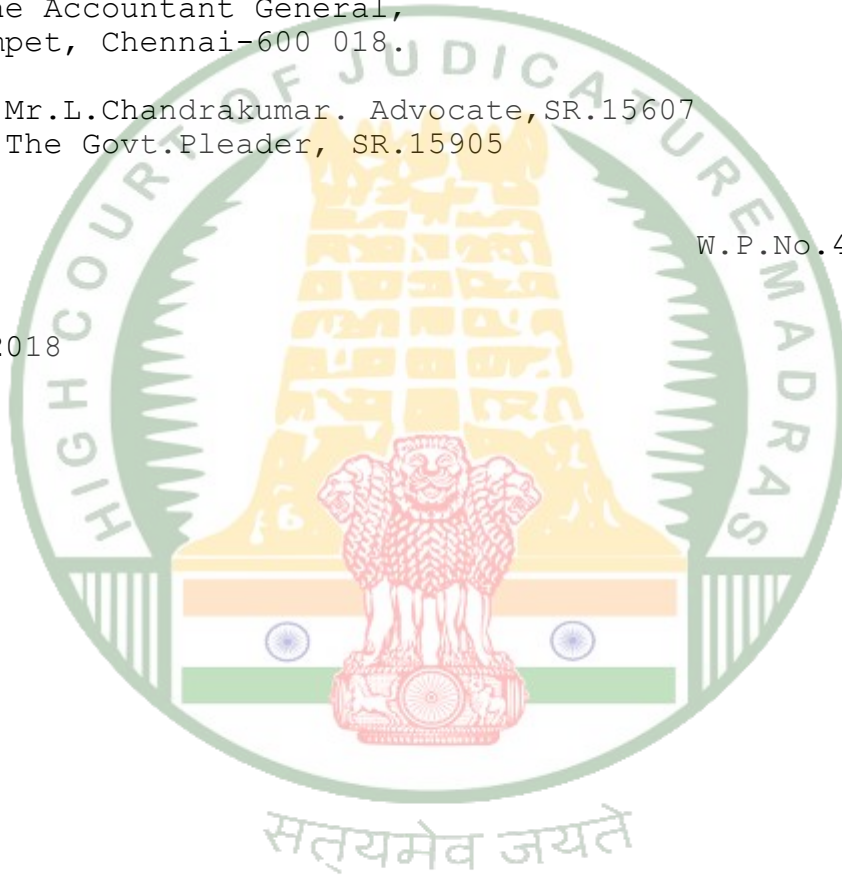
2.The Secretary,
Municipal Administration and
Water Supply Department,
Fort St. George, Chennai-9.

3.The Principal Accountant General,
O/o. The Accountant General,
Theynampet, Chennai-600 018.

+ 1 cc to Mr.L.Chandrakumar. Advocate, SR.15607
+ 1 cc to The Govt.Pleader, SR.15905

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rr(co)
nr 22/03/2018



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