

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.2689 of 2017

Thanikachalam

..Petitioner

Vs.

The Commissioner,
Nellikuppam Municipality,
Nellikuppam,
Cuddalore District.
..Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to send the pension proposal of the petitioner to the Commissioner of Municipal Administration and Local Fund Audit Kuralagam for sanctioning pension with a date fixed by this Court.

For Petitioner : Mr.A.R.Nixon

For Respondent : Mrs.P.Rajalakshmi

O R D E R

The relief sought for in this writ petition is for a direction to the respondent to send the pension proposal of the petitioner to the Commissioner of Municipal Administration and Local Fund Audit, Kuralagam, for necessary sanctioning.

2. The grievance of the writ petitioner is that he was appointed as Gang Mazdoor on temporary basis and subsequently, brought under the regular establishment in the time scale of pay. The writ petitioner was allowed to retire from service on 30.04.2016 on attaining the age of superannuation. However, the pension proposals as per the Rules has not been submitted before the Commissioner of Municipal Administration and Local Fund Audit, Kuralagam, for necessary action. Under these circumstances the writ petitioner is constrained to move the present writ petition.

3.The learned counsel appearing on behalf of the respondent states that the pension proposal will be submitted, if the petitioner is otherwise eligible in accordance with the Rules in force.

4. This being the factum of the case, the respondent is directed to consider the case of the writ petitioner on merits and in accordance with law and submit necessary pension proposal, if it is otherwise in accordance with law to the appropriate authorities for further consideration. Such exercise shall be done by the respondent within a period of eight weeks from the date of receipt of a copy of this order. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

The Commissioner,
Nellikuppam Municipality,
Nellikuppam,
Cuddalore District.

W.P.No.2689 of 2017

GJII (CO)
GSP (11/09/2018)

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