

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2019

CORAM

THE HONOURABLE Mr. JUSTICE M. DHANDAPANI

W.P.No.17664 of 2019
and
W.M.P.No.17105 of 2019

C. Daniel ... Petitioner

vs

1.The Secretary to
Government of Tamil Nadu,
Municipal Administration and
Water Supply Department,
Fort St. George,
Chennai - 9.

2.The Commissioner of Municipal Administration,
Chepauk,
Chennai - 5.

3.The Commissioner,
Vellore Corporation,
Vellore.

.... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to bring the petitioner under Old Pension Scheme from the date on (01.01.2001) which he was brought under the regular time scale and consequently, to grant pension along with pension arrears with 24% interest by counting his 50% consolidated pay service.

For Petitioner : Mr.P.I. Thirumoorthy

For Respondents : Mr.R.S. Selvam,
Government Advocate
for R1 and R2

Mrs.P. Shanthi for R3

ORDER

This petition has been filed to direct the respondents to bring the petitioner under Old Pension Scheme from the date on which he was brought under the regular time scale and consequently, to grant pension along with pension arrears with 24% interest by counting his 50% consolidated pay service.

2.It is the case of the petitioner that the petitioner was initially appointed as Sanitary Worker under consolidated pay basis in erstwhile Thorapadi Town Panchayat. Thereafter, he was brought under regular time scale belatedly and prospectively with effect from 23.06.2006. Challenging the same, the petitioner filed W.P.No.10421 of 2011 and the same was allowed on 22.06.2011 directing the respondents to bring the petitioner under regular time scale from the date on which he completed three years consolidated pay service along with arrears. Thereafter, the petitioner retired from service on 31.03.2018. Subsequently, he has made a representation to the 3rd respondent on 15.02.2019 claiming pension and other benefits under old pension Scheme but, the same was not considered by the 3rd respondent. Hence, this petition has been filed.

3.The learned counsel for the petitioner would submit that it would be suffice to issue directions to the 3rd respondent to dispose of the representation in accordance with law.

4.Considering the facts and circumstances of the case and the limited request made by the learned counsel for the petitioner, this Court directs the 3rd respondent to dispose of the representation dated 15.02.2019, if not disposed already within a period of twelve (12) weeks from the date of receipt of a copy of this order.

With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mps

To

1.The Secretary to Government of Tamil Nadu,
Municipal Administration and Water Supply Department,
Fort St. George,
Chennai - 9.

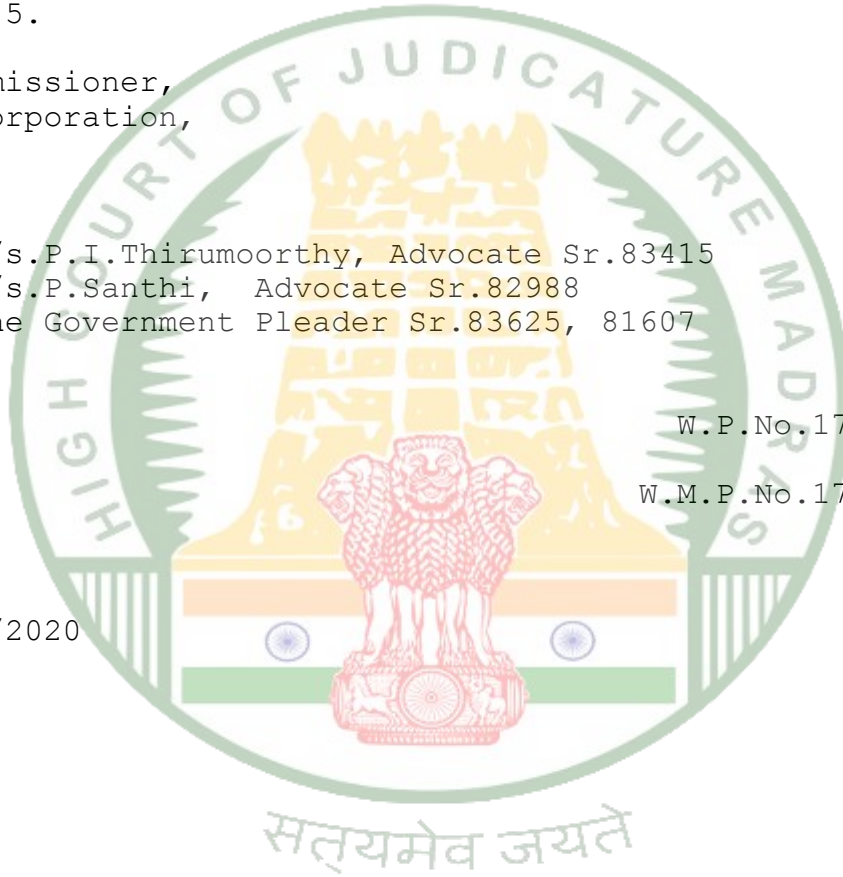
2.The Commissioner of Municipal Administration,
Chepauk,
Chennai - 5.

3.The Commissioner,
Vellore Corporation,
Vellore.

+1cc to M/s.P.I.Thirumoorthy, Advocate Sr.83415
+1cc to M/s.P.Santhi, Advocate Sr.82988
+1cc to the Government Pleader Sr.83625, 81607

W.P.No.17664 of 2019
and
W.M.P.No.17105 of 2019

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srg 10/02/2020



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