

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :07.11.2019
CORAM
THE HON'BLE MR.JUSTICE M.DHANDAPANI
W.P.No.21045 of 2019

K.Rathinam

.. Petitioner

vs

1.The Director of Municipal Administration,
Chepauk, Chennai - 600005

2.The Assistant Director,
Local Fund Audit,
Kuralagam, Chennai - 108

3.The Commissioner,
Virudhachalam Municipality,
Virudhachalam, Villupuram District

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to grant to the petitioner, pension and all other retirement benefits with effect from the date of his retirement, namely, 30.06.2015 together with interest.

For Petitioner : Mr.P.Rajendran

For Respondents 1 & 2 : Ms.M.Lalitha
Government Advocate

For Respondent 3 : Mr.R.P.Prathap Singh
Government Advocate

O R D E R

The prayer sought for in this Writ Petition is to direct the respondents to grant to the petitioner, pension and all other retirement benefits with effect from the date of his retirement, namely, 30.06.2015 together with interest.

2. The case of the petitioner is that he was appointed as a Tank Operator in Virudhachalam Municipality in the year 1982. Though the petitioner was working as a daily rated employee from the 1982, his services were not regularized even after ten

years. Therefore, the petitioner approached the Tamilnadu Administrative Tribunal and filed O.A.No.3978/1991 praying for regularization of his services. The Tribunal passed order in the year 1993 directing the authorities to take appropriate action for regularization. On 23.10.2006, the Commissioner, Virudhachalam Municipality appointed the Petitioner as Sanitary worker in the time scale of pay with effect from 01.11.2006.

3. Thereafter, the petitioner filed W.P.No.5086 of 2015 praying to regularise his services with effect from 01.10.1996. The said Writ Petition is still pending. On 30.06.2015, the petitioner retired from the service on attaining the age of superannuation. However, the retirement benefits including pension have not been paid to the petitioner. Therefore, the petitioner made a representation on 21.07.2018 to the 3rd respondent. As against the inaction of the 3rd respondent, the petitioner is before this Court by way of the Writ Petition.

4. The learned counsel appearing for the petitioner would submit that it would be suffice to issue direction to the respondents to consider and dispose of the representation dated 21.07.2018 in accordance with law.

5. Considering the facts and circumstances of the case and the limited request made by the learned counsel for the petitioner, I am inclined to issue direction to the respondents to consider and dispose of the representation dated 21.07.2018, in accordance with law, if not disposed of already within a period of twelve weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CS-VI)

// True Copy//

Sub Assistant Registrar

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To

1.The Director of Municipal Administration,
Chepauk, Chennai - 600005

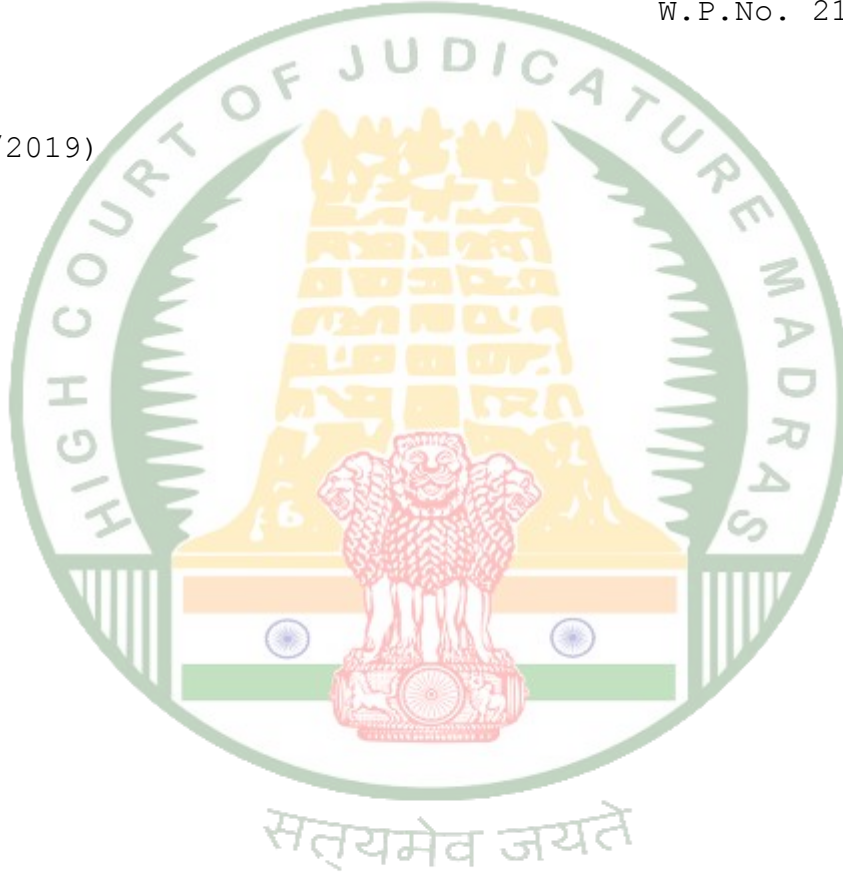
2.The Assistant Director,
Local Fund Audit,
Kuralagam, Chennai - 108

3.The Commissioner,
Virudhachalam Municipality,
Virudhachalam, Villupuram District.

+1cc to Mr.P.Rajendram, Advocate, SR.No.92606.
+1cc to Mr.R.P.Pratap Singh, Advocate, SR.No.93240.
+1cc to Government Pleader, SR.No.93084.

W.P.No. 21045 of 2019

KK (CO)
CSR(10/12/2019)



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