

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :25.10.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No. 23465 of 2019

C.Gopal

..Petitioner

vs

1.The Commissioner,
Corporation of Chennai,
Chennai - 600 003.

2.The Zonal Officer,
Zonal Office - 6,
Corporation of Chennai,
Ayanavaram, Chennai - 23.

3.The Assistant Revenue Officer,
Zonal Office - 6,
Revenue Department,
Chennai - 23.

.. 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 consider and dispose of the representation dated 20.08.2018 within time frame fixed by this Court.

For Petitioner : Mr.D.Ponventhan

For Respondents : Ms.Karthika Ashok

O R D E R

The prayer sought for in this Writ Petition is to direct the respondents to consider and dispose of the representation dated 20.08.2018 within time frame fixed by this Court.

2. The case of the petitioner is that he was appointed as Temporary Section Writer in the 1st respondent Corporation and joined the duty on 21.02.1983 and worked in the same capacity till 12.03.1992. Thereafter, the petitioner's service was regularized and he was appointed as Junior Assistant with effect from 13.03.1992. Subsequently in the year 1996, the petitioner was transferred to the post of Tax Collector and retired from service on 31.03.2014.

3. It is the further case of the petitioner that the period of service rendered by the petitioner from the year 1983 to 1992 as Temporary Section Writer has not been taken into account for computing his length of service for pension. Further, the period of service rendered from the year 1992 to 1996 as Supernumerary Junior Assistant has also not been taken into account for computing his length of service for pension, for which he has made a representation dated 20.08.2018 to the respondents. However, till date the said representation was not considered. Therefore, the present Writ Petition has been filed.

4. The learned counsel appearing for the petitioner would submit that the Superintending Engineer vide proceedings dated 17.12.2014, granted pension benefits to the similar employee for temporary service. However, the same is not extended to the petitioner. The learned counsel would further submit that it would be suffice to issue direction to the respondents to consider the representation dated 20.08.2018 and pass appropriate orders in accordance with law.

5. The learned counsel appearing for the respondents would submit that the service rendered in the supernumerary post for calculating pension benefits cannot be considered, as the service is neither temporary nor qualified as per the Pension Rules. The position of Law and Audit opinion has been informed to the petitioner vide office letter dated 09.08.2018 by Registered post. However, the revision of pension benefits by considering 50% of service rendered in the temporary post from the year 1983 to 1996 is being examined.

6. Heard the counsel on either sides and perused the papers.

7. Considering the facts and circumstances of the case, I am inclined to issue direction to the respondents to examine 50% of service rendered by the petitioner in the temporary post from the year 1983 to 1996 for pension and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order, in accordance with law.

8. The Writ Petition is disposed on the above terms. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Commissioner,
Corporation of Chennai,
Chennai - 600 003.

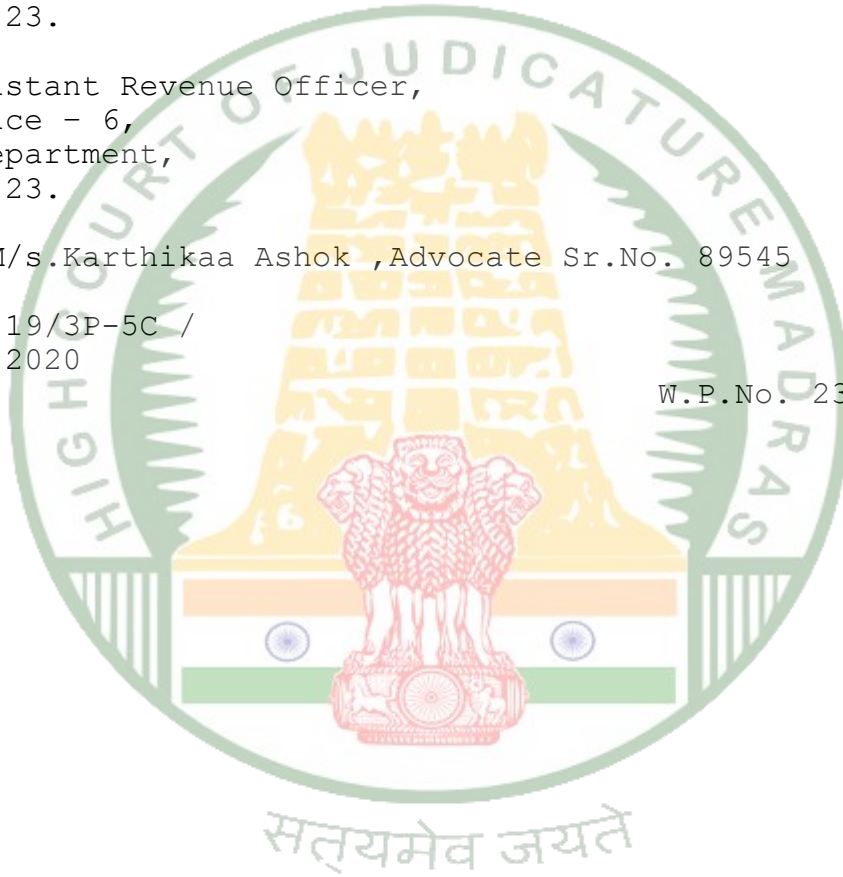
2.The Zonal Officer,
Zonal Office - 6,
Corporation of Chennai,
Ayanavaram,
Chennai - 23.

3.The Assistant Revenue Officer,
Zonal Office - 6,
Revenue Department,
Chennai - 23.

+1 cc to M/s.Karthikaa Ashok ,Advocate Sr.No. 89545

AKM/16.12.19/3P-5C /
AKM/02.01.2020

W.P.No. 23465 of 2019



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