

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 21/10/2019

C O R A M

The Honourable Mr.Justice SUBRAMONIUM PRASAD

Writ Petition Nos.23287 and 23292 of 2019

W.P.No.23287 of 2019:

1. A. Rangasamy
2. Francis Soucenadin Djeganadane ...Petitioners in
W.P.No.23287 of 2019

W.P.No.23292 of 2019:

1. Alphonse Thiagaradj Rapin
2. Vidjeacoumar
3. R. Rajendiran
4. S. Virappin ...Petitioners in
W.P.No.23292 of 2019

Vs

1. Pondicherry Municipality
rep. By its Commissioner
Kamban Kalaiararam
Bussy Street
Puducherry 605 001.
2. The Director of Local Administration
Suffren Street
Puducherry 605 001.
3. Union Territory of Puducherry
rep. By the Secretary to Government
Local Administration Department
Puducherry 605 001. ...Respondents

Prayer in W.P.No.23287 of 2019: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondents herein to forthwith consider the representations of the petitioners ending with representation dated 6/5/2019 and pass appropriate

orders on the requests of the petitioners for payment of commuted value of Pension and Retirement Gratuity with interest accrued thereon.

Prayer in W.P.No.23292 of 2019: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondents herein to forthwith consider the representations of the petitioners ending with their representations dated 6/5/2019 and 19/7/2019 and pass appropriate orders on the requests of the petitioners for payment of commuted value of Pension and Retirement Gratuity with interest accrued thereon by refixing their pay and pension as well as applicable allowances and also the Commuted Value of Pension and the Retirement Gratuity as per 7th Pay Commission recommendations.

For petitioners ... Mr.Kandhan Duraisami

For respondents ... Ms.N.Mala
Additional Government Pleader
for R.1. (Pondicherry)

Mr.A.V.Ramalingam
Additional Government Pleader
for R.R.2 and 3. (Pondicherry)

C O M M O N O R D E R

Petitioners are retired employees of Pondicherry Municipality, in various posts and the dates of their retirement on superannuation are as follows:-

S. NO.	Name of the petitioners	Date of retirement	Commuted value of Pension (Rs.)	Retirement Gratuity (Rs.)
1.	A.Rangasamy	30/9/2015	3,80,137	6,98,495
2.	Francis Soucenadin Djeganadane	31/12/2015	3,82,300	7,02,471
3.	Alphonse Thiagaradj Rapin	31/7/2016	3,34,906	5,07,714
4.	Vidheacoumar	31/8/2016	2,70,992	5,11,583
5.	R.Rajendiran	31/1/2017	3,34,906	5,17,293
6.	Virappin	31/12/2017	3,42,969	6,47,460

2. Respondents have already calculated amount of pension and gratuity due and payable to the petitioners, but have not yet released the amount. Petitioners have been repeatedly seeking for release of the amount of pension, which is being denied, for the last three years. Last of the representations has been given by the petitioners in May 2019. Since the amount has not been paid to the petitioners, petitioners have filed the instant writ petitions, to direct the respondents to forthwith consider the representations of the petitioners ending with their representations dated 6/5/2019 and 19/7/2019 and pass appropriate orders on the requests of the petitioners for payment of commuted value of Pension and Retirement Gratuity with interest accrued thereon by refixing their pay and pension as well as applicable allowances and also the Commuted Value of Pension and the Retirement Gratuity as per 7th Pay Commission recommendations.

3. Ms.N.Mala, learned Additional Government Pleader for Pondicherry Municipality states that they will consider the representation and pass orders, within a period of four weeks from today.

4. This Court, need not remind the counsel for Municipality that pension is not a bounty but it is deferred wages, which any employee is entitled to after his retirement. If there is any arrear, Government should not withhold such amount. Keeping the sanctity of pension, the respondents are directed to dispose of the representations of the petitioners, dated 6/5/2019 and 19/7/2019 and pass appropriate orders, on merits and in accordance with law, within a period of four weeks, from the date of receipt of a copy of this order.

5. Learned counsel for the respondent Municipality is requested not to wait till the receipt of the order copy, for communicating the instructions to the Municipality.

6. With the above direction, writ petitions are disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

mvs.

To

1. The Commissioner
Pondicherry Municipality
Kamban Kalaiararam
Bussy Street
Puducherry 605 001.

2. The Director of Local Administration
Suffren Street
Puducherry 605 001.

3. The Secretary to Government
Union Territory of Puducherry
Local Administration Department
Puducherry 605 001.

+2 ccs to M/s.Muthumani Doraisami, Advocate, S.R.No.87599

+1 cc to the Government Pleader cum Public Prosecutor
for Pondicherry, Hig hCourt, Madras , S.R.No.87877

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GP(CO)
SSM(21/10/2019)



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