

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.24978 of 2019

Chandra

.. Petitioner

Vs.

1.The Secretary to Government,
Government of Tamil Nadu,
Municipal Administration and
Water Supply Department,
Fort St.George, Chennai - 600 009.

2.The Commissioner,
Nellikuppam Municipality,
Panruti Taluk, Cuddalore.

3.The Director,
Local Fund Audit,
4th Floor, Kuralagam,
Chennai - 600 108.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st Respondent herein to pass special order based on the recommendation made by the 2nd respondent in his Letter No.Na.Ka.No.2404/2013/H1 dated 26.02.2015 and directing the respondents to sanction the pensionary benefits within a reasonable statutory period.

For Petitioner : Mr.S.Saravana Kumar
For Respondents : Mr.A.N.Thambidurai
Special Government Pleader

O R D E R

This Writ Petition is filed for a Writ of Mandamus, directing the first respondent herein to pass special order based on the recommendation made by the second respondent in his Letter No.Na.Ka.No.2404/2013/H1 dated 26.02.2015 and directing the respondents to sanction the pensionary benefits within a reasonable statutory period.

2. The case of the petitioner is that the petitioner was appointed as sweeper through Employment Exchange on 16.10.1991 on daily wage basis and subsequently the second respondent by his proceedings bearing Proc.No.2976/2000/H1 dated 21.11.2000, fixed her on consolidated pay. Since there was a ban of recruitment was in force, her appointment was not regularized within three years from the date of consolidated pay. During the year 2006, the petitioner was appointed in a regular vacancy as the post carries a time scale of pay of Rs.2550-55-2000-60-3200 and the second respondent fixed the time scale of pay only from 27.02.2006 as per the G.O.Ms.No.21 dated 23.02.2006. Thereafter the petitioner and other similarly placed persons filed Writ Petition in W.P.No.12738 of 2012 seeking regularization within three years from the date of initial appointment with all attended benefits. This Court by the order dated 06.06.2012 allowed the Writ Petition and directed the respondents to regularize the services of the petitioners within a period of three months from the date of receipt of a copy of that order. Against the said order dated 06.06.2012, the respondents filed Review Application in Review Application No.126 of 2012 and this Court by the order dated 27.09.2012, dismissed the Review Application. Thereafter the respondents refixed the petitioner's salary and brought her into time scale of pay from the date of her appointment. The petitioner retired from service on 30.04.2012 on attaining the age of superannuation and even after her retirement also the pensionary benefits were not paid to her. Therefore she made a representation dated 14.08.2013 to the second respondent to sanction the pensionary benefits as per the new pension scheme introduced by the Government of Tamil Nadu. The second respondent also recommended the same to the third respondent by his letter bearing Na.Ka.No.2404/2013/H1 dated 10.09.2013 and no orders was passed by the third respondent. The second respondent also sent a letter to the first respondent bearing Na.Ka.No.2404/2013/H1 dated 26.02.2015 to pass special order to enable the petitioner to get pension. But however, no orders was passed by the first respondent. Therefore the petitioner sent a representation to the respondents 2 and 3 on 03.07.2019 for disbursement of pensionary benefits to her and however the same was not considered by the respondents 2 and 3 and no orders was passed by them. Hence, the petitioner has come out with the present Writ Petition.

3. The learned counsel for the petitioner would submit that it would be suffice to issue direction to the respondents 2 and 3 to consider the representation sent by the petitioner dated 03.07.2019 and pass orders on the same on merits and in accordance with law.

4. Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the respondents would concede the request made by

the learned counsel for the petitioner and agreed to dispose the representation sent by the petitioner dated 03.07.2019 in accordance with law.

5. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents and perused the entire materials on record.

6. Considering the facts and circumstances of the case and the limited request made by the learned counsel for the petitioner, this Court hereby directs the respondents 2 and 3 to consider the representation of the petitioner dated 03.07.2019 and pass orders on the same on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order

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

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Government,
Government of Tamil Nadu,
Municipal Administration and
Water Supply Department,
Fort St.George, Chennai - 600 009.

2.The Commissioner,
Nellikuppam Municipality,
Panruti Taluk, Cuddalore.

3.The Director,
Local Fund Audit,
4th Floor, Kuralagam,
Chennai - 600 108.

+1cc to Mr.S.Saravana kumar , Advocate SR.No. 90591
+1 cc to Government Pleader Sr.No. 91090

W.P.No.24978 of 2019

A.SK(09/01/2020)