

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.32233 of 2019

1 D.RAJAN ...Petitioner

Vs

1 The Commissioner
Greater Chennai Corporation,
Rippon Building,
Chennai 600 003

2 The Zonal Officer,
Zone -VI, Greater Corporation of Chennai,
Iyyanavaram, Chennai - 600 023.

3 The Secretary Government,
Municipal Administration,
Water Supply Department,
Fort St. George Chennai -600 009. ...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st Respondent to consider petitioner representation dated 18.07.2019 and to grant pensionary benefits and terminal benefits by taking 50 percentage temporary service of the petitioner served in the 1st respondent Corporation from 01.01.1989 to 01.02.1998 as per G.O. Ms. No.408 dated 25.08.2009 Finance (Pension) Department and other service benefits along with suitable interest to the petitioner.

For Petitioner : Mr.N.Beulah John Selvaraj

For Respondents : Mrs.Kathika Ashok for R1 and R2

: Mr. K.S.Suresh, G.A. For R3

ORDER

1.The petitioner has filed this writ petition seeking issuance of a Writ of Mandamus to direct the 1st Respondent to consider petitioner representation dated 18.07.2019 and to grant pensionary benefits and terminal benefits by taking 50 percentage temporary service of the petitioner served in the 1st respondent Corporation from 01.01.1989 to 01.02.1998 as per G.O. Ms. No.408 dated 25.08.2009 Finance (Pension) Department

and other service benefits along with reasonable interest to the petitioner.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

3. The case of the petitioner is that the petitioner was appointed as sweeper in the year 1989 on temporary basis and subsequently, after a period of ten years, he was made permanent on 01.12.1998. Thereafter, on attaining the age of superannuation on 30.09.2017, the petitioner retired from service. The petitioner made a representation on 19.07.2019 to the first respondent praying to count 50% of temporary service which he had put in between 01.01.1989 and 01.02.1998 along with regular service for calculation and payment of pensionary benefits as per G.O.Ms.No.408 Finance Department dated 25.08.2009. Since no action is forthcoming, the petitioner is before this Court.

4. The learned counsel for the petitioner would submit that without going into merits of the case since the representation made by the petitioner has been pending without any progress it would suffice if this Court directs the respondents and to consider and dispose of the representation made by the petitioner in accordance with law.

5. The learned Government Advocate appearing for the respondents while conceding the claim of the petitioner, would submit that if any such direction is given by this Court, the same would be complied with and the representation of the petitioner would be disposed of in accordance with law.

6. Considering the facts and circumstances of the case and the submissions made on either side, without going into the merits of the case, the respondents are directed to consider and dispose of the representation dated 19.07.2019, made by the petitioner in accordance with law and on merits, within a period of 12 weeks from the date of receipt of a copy of this order.

7. The writ petition is accordingly disposed of. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

- 1 The Commissioner
Greater Chennai Corporation,
Rippon Building,
Chennai 600 003
 - 2 The Zonal Officer,
Zone -VI, Greater Corporation of Chennai,
Iyyanavaram, Chennai - 600 023.
 - 3 The Secretary Government,
Municipal Administration,
Water Supply Department,
Fort St. George Chennai -600 009.
- +1 CC to Govt. Pleader sr 96024.
+1 CC to Mr.N.Beulah John Selvaraj, Advocate sr 95288
+1 CC to Mr. Karthikeyan Ashok, Advocate sr 95782.

W.P.No.32233 of 2019

SJ(CO)
SP(20/12/2019)



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