



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 21.02.2019

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WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.7579 of 2018

M.Kumar

... Petitioner

Vs.

1. The Secretary,
Department of Municipal Administration and Water Supply,
Secretariate,
Fort St. George,
Chennai.

2. The Commissioner of Municipal Administration,
Chepauk,
Chennai.

3. The Corporation Commissioner,
Dindigul Corporation,
Dindigul.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the third respondent to settle the monthly pension payable to the petitioner from 01.09.2015 to till date and continue to pay monthly pension as per the representation submitted by the petitioner dated 09.02.2018, within a time frame that may be stipulated by this Court.

For Petitioner : Mr.R.R.Kannan

For R1 : Mr.C.M.Marichellaiah Prabhu
Additional Government Pleader

For R2 : Mr.J.Lawrance

For R3 : No appearance

O R D E R

The writ petition has been filed for issuance of a Writ of Mandamus directing the third respondent to settle the monthly pension payable to the petitioner from 01.09.2015 to till date and continue to pay monthly pension as per the representation submitted by the petitioner, dated 09.02.2018, within a time frame that may be stipulated by this Court.

<https://hcservices.ecourts.gov.in/hcservices/>

2. Heard the learned counsel appearing on either side and

perused the materials placed before this Court.

3. The case of the petitioner is that the petitioner's father was working as a Sweeper in the third respondent Municipality and during his service, he died in harness. Hence, the petitioner submitted an application before the third respondent seeking compassionate appointment. Subsequently, he had been appointed as Sweeper in Dindigul Municipality, on 28.03.1994, promoted as Sanitary Supervisor, on 22.06.2012, and rendered unblemished service of more than 21 years in the third respondent Corporation. Due to his health condition, he submitted an application for voluntary retirement, on 01.02.2015 and was permitted to retire from service on 31.08.2015, as per the proceedings of the third respondent, in Na.Ka.No.1878/2015/H1. Since he has completed 21 years of service from the date of appointment i.e., on 28.03.1994, he is entitled for pensionary benefits and monthly pension. Hence, he approached the third respondent and the higher authorities for release of monthly pension. As the petitioner did not receive any communication from the respondents, he made a representation to the respondents herein, on 09.02.2018. But till date no action has been taken. Hence, the petitioner has come forward to file this Writ Petition for the relief stated supra.

4. The learned Additional Government Pleader appearing for the first respondent would submit that the petitioner's representation will be considered within the time limit specified by this Court.

5. In view of the above said submission, this Court, without going into the merits of the matter, directs the respondents to consider the representation of the petitioner, dated 09.02.2018 and pass appropriate orders on merits and in accordance with law, after affording due opportunity to the petitioner. Such an exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

To

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



2. The Commissioner of Municipal Administration,
Chepauk,
Chennai.

3. The Corporation Commissioner,
Dindigul Corporation,
Dindigul.

+1cc to Mr.J.Lawrance, Advocate, SR.No.48971

+1cc to Mr.R.R.Kannan, Advocate, SR.No. 49119

W.P. (MD) No.7579 of 2018
21.02.2019

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