



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.06.2019

CORAM:

THE HONOURABLE Mr. JUSTICE D. KRISHNAKUMAR

W.P. (MD) No. 12980 of 2019

M. Krishnan

... Petitioner

Vs.

1. The Commissioner of Municipal Administration,
Ezhilagam Annex,
6th Floor,
Kamarajar Salai,
Chepauk,
Chennai-600 005.

2. The Commissioner,
Madurai Corporation,
Madurai-625 002.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent i.e., the Commissioner of Municipal Administration, Chennai to pass appropriate orders on the petitioner's representation dated 02.02.2019 regarding revision of his pension counting the service put in by him as Ambulance Cleaner for the period from 12.05.1974 to 27.02.1990 on consolidated pay, within a specified time, that may be fixed by this Court.

For Petitioner : Mr. S. Visvalingam

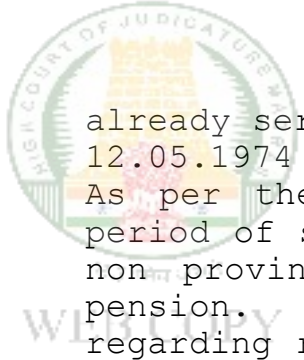
For R1 : Mr. Aayiram K. Selvakumar
Additional Government Pleader

For R2 : Mr. J. Gunaseelan Muthiah
(Standing Counsel)

O R D E R

The petitioner seeks for a direction directing the first respondent i.e., the Commissioner of Municipal Administration, Chennai to pass appropriate orders on the petitioner's representation dated 02.02.2019 regarding revision of his pension counting the service put in by the petitioner as Ambulance Cleaner for the period from 12.05.1974 to 27.02.1990 on consolidated pay.

2. The learned counsel appearing for the petitioner would submit that the petitioner was initially appointed as Ambulance Cleaner and was paid salary only on consolidated pay from 12.05.1974 to 27.02.1990 and he was subsequently promoted and posted as Sanitary Supervisor and thereafter, he was allowed to superannuation on 30.04.2009. The respondent has granted pension counting the petitioner's services only in the cadre of Sanitary Supervisor i.e., from 28.02.1990 to 30.04.2009. But the service of the petitioner



already served in the cadre of Ambulance Cleaner for the period from 12.05.1974 to 27.02.1990 was not taken to calculation of pension. As per the Tamil Nadu Pension Rules, 11(2) and 11(4), even the period of service rendered on consolidated pay, daily wage, even in non provincialised service have to be taken for calculation of pension. Therefore, he made a representation on 02.02.2019 regarding revision of pension counting the service put in by him as Ambulance Cleaner for the period from 12.05.1974 to 27.02.1990 on consolidated pay. So far, the respondents have not passed any orders on the representation and hence, the petitioner has filed the present writ petition for the aforesaid relief.

3. The learned Standing Counsel appearing for the second respondent would object for the request made by the petitioner and he would submit that if the said representation is pending, the same shall be considered in accordance with law.

4. Considering the submissions made by both counsel, without expressing any opinion on merits, this Court directs the second respondent to consider the petitioner's representation dated 02.02.2019 and pass appropriate orders 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 directions, the Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Commissioner of Municipal Administration,
Ezhilagam Annex,
6th Floor, Kamarajar Salai,
Chepauk, Chennai-600 005.

2. The Commissioner,
Madurai Corporation,
Madurai-625 002.

+1 CC to Mr. J. GUNASEELAN MUTHIAH, Advocate SR-67996.

+1 CC to Mr. S. VISVALINGAM, Advocate SR-67986.

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