



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.06.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR

WP(MD) .Nos.13066 and 13067 of 2019

A. Maragatha Gopalakrishnan : Petitioner in
WP(MD) .No.13066/19

A. Boothanatha Pillai : Petitioner in
WP(MD) .No.13067/19

Vs.

1.The State of Tamil Nadu
rep. by its Secretary,
Municipal Administration &
Water Supply Department,
Fort St. George,
Chennai.

2.The Director of Town Panchayat,
Kuralagam, Chennai.

3.The Assistant Director, (Town Panchayat)
Tirunelveli, Tirunelveli District.

4.The Executive Officer,
Manimutharu Special Grade Town Panchayat,
Manimutharu - 627 421.
Tirunelveli District.

: Respondents in both W.Ps.

Prayer: These Writ Petitions are filed under Article 226 of the Constitution of India for issuing a Writ of Mandamus directing the respondents to provide retirement benefits along with pension to the petitioner by way of including the 50% of the temporary service rendered by the petitioner in the post of Pump Operator from 25.09.1992 to 14.12.2009 along with regular service i.e., from 14.12.2009 to 30.11.2016 and 14.12.2009 to 30.04.2014 respectively with all other consequential benefits in the light of the Judgment of this Court in WA(MD).No.547 of 2012, dated 24.08.2017 within the time period stipulated by this Court.

For Petitioners : Mr.T.Lajapathi Roy in both W.Ps.



For R4

: Mr.C.M.Mari Chellaiah Prabhu
Additional Government Pleader
in both W.Ps

WEB COPY

COMMON ORDER

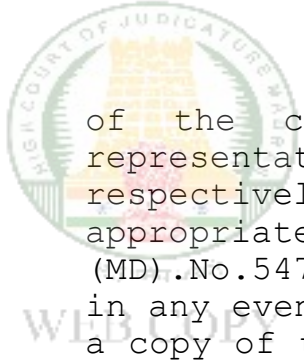
These Writ Petitions have been filed for issuing a direction to the respondents to provide retirement benefits along with pension to the petitioners by way of including the 50% of the temporary service rendered by them in the post of Pump Operator, from 25.09.1992 to 14.12.2009 along with regular service i.e., from 14.12.2009 to 30.11.2016 and 14.12.2009 to 30.04.2014 respectively with all other consequential benefits in the light of the Judgment of this Court made in WA(MD).No.547 of 2012, dated 24.08.2017 within the time to be stipulated by this Court.

2. According to the petitioners, they were appointed as NMR Mazdoor in the Office of the Assistant Engineer, TWAD Board and they were regularized along with other eligible persons in the post of Helper, on completion of 10 years of service under G.O.Ms.No.242, Municipal Administration and Water Supply Department, dated 10.12.2009. The petitioners were retired from service on attaining the age superannuation on 30.11.2016 and 30.04.2014 respectively. Seeking the benefits of service in the light of the Judgment of this Court made in WA(MD).No.547 of 2012, dated 24.08.2017, they have sent a representations dated 27.04.2019 and 27.04.2019 respectively, to the respondents, but, the same have not been considered so far. Hence, the petitioners have filed the present Writ Petition before this Court.

3. The learned counsel appearing for the petitioners submitted that similarly placed persons were filed W.P(MD).No.14906 of 2011 before this Court and the said Writ Petition was allowed. Challenging the same, the respondents - Department have filed Writ Appeal in WA(MD).No.547 of 2012, before this Court. This Court has disposed of the said Writ Appeal by observing that 50% of the period between 25.09.1992 to 14.12.2009 and the entire period from 14.12.2009 till 13.03.2012 will have to be added and the pensionary benefits of the respondents is to be calculated accordingly. The aforesaid Judgment is squarely applicable to the facts of the present case and hence, the petitioners have made representations dated 27.04.2019, but, the same was not considered so far.

4. The learned Additional Government Pleader appearing for the 4th respondent would submit that the representations of the petitioner will be considered on merits and in accordance with law.

5. Considering the facts and circumstances of the case and also considering the limited scope of prayer sought for in these Writ Petitions, this Court, without expressing any opinion on merits



of the case, directs the first respondent to consider the representations of the petitioners dated 27.04.2019 and 27.04.2019 respectively, on merits and in accordance with law and pass appropriate orders, by taking note of the Judgment passed in WA (MD).No.547 of 2012, dated 24.08.2017 as expeditiously as possible, in any event not later than twelve weeks from the date of receipt of a copy of this order. It is needless to say that the petitioners also communicate this order to the respondents.

6. With the above direction, these Writ Petitions are disposed of. No costs.

Sd/-

Assistant Registrar(AE)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Secretary,
Municipal Administration & Water Supply Department,
Fort St. George, Chennai.

2.The Director of Town Panchayat,
Kuralagam, Chennai.

3.The Assistant Director, (Town Panchayat)
Tirunelveli, Tirunelveli District.

4.The Executive Officer,
Manimutharu Special Grade Town Panchayat,
Manimutharu - 627 421.
Tirunelveli District.

+2 CC to M/s.T.LAJAPATHI ROY, Advocate in SR-68116,68117

WP(MD).Nos.13066 and 13067 of 2019
11.06.2019

trp

PK/10.07.2019 : 3P/7C