



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2019

CORAM

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THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR

W.P (MD) No.14395 of 2019

C. Kaleppu

...Petitioner

Vs

1. The Principal Secretatary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Chennai - 600 009.

2.The Director of Town Panchayat,
Urban Administrative Building,
MRC Nagar, RA Puram,
Chennai - 600 028.

3.The Director,
Local Fund Audit Department,
Amma Complex, 4th Floor,
Backside of Veterinary Hospital,
Nandanam,
Chennai - 600 035.

4.The Assistant Director of Town Panchayat,
Nagercoil Region,
Collectorate Complex,
Nagercoil - 629 009.

5.The Executive Officer,
Theroor Second Grade Town Panchayat,
Theroor Post - 629 704,
Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent i.e., the Principal Secretary to Government, Municipal Administration and Water Supply Department, Chennai to pass appropriate orders on the petitioner's representation dated 0205.2019 regarding sending pension proposals counting half of service put in by the petitioner on daily wage and on consolidated pay along with regular service, within a specified time frame.



For Petitioner : Mr.S. Visvalingam
For R1 to R4 : Mr. M. Pandiarajan
Additional Government Pleader
For R5 : Mr. B. Bagavathy
Government Advocate

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ORDER

This Writ Petition has been filed for issuing a direction to the first respondent to pass appropriate orders on the petitioner's representation, dated 02.05.2019, regarding sending pension proposals counting half of service put in by him on daily wages and on consolidated pay along with regular service, within the time frame fixed by this Court.

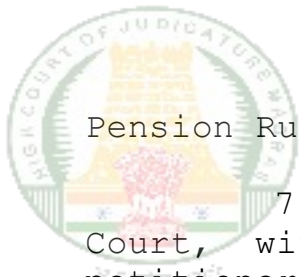
2. Mr. M. Pandiarajan, learned Additional Government Pleader takes notice for R1 to R4 and Mr. B. Bagavathy, learned Standing counsel takes notice for 5th respondent.

3. By the consent of both parties, this Writ Petition is taken up for disposal at the admission stage itself.

4. According to the petitioner, he was appointed as Water Supply Attender on daily wages through Employment Exchange on 04.06.1986, based on the proceeding dated 02.06.1986. Subsequently, he was continued the said post on consolidated pay from 01.04.2001, by proceeding dated 10.07.2000. Then, he was observed in the regular time scale of pay with effect from 01.04.2004 as per G.O(Perm) No. 142, Municipal Administration and Water Supply (Town Panchayat-I) Department, dated 23.09.2015 in the post of Watchman, under water supply scheme in Theroor Second Grade Town Panchayat and allowed to retire on 31.03.2018. Now, the petitioner has made a representation to the authority to calculate the 18 years service on daily wage and consolidated pay i.e., from 04.06.1986 to 31.03.2004 along with 14 years of regular service, for the purpose of pension under Rule 11(4) of Tamil Nadu Pension Rules, 1978. But, so far, no order has been passed. Hence, the petitioner has filed the present Writ Petition before this Court.

5. Though this petition has been filed to give a positive direction to the respondents, the learned counsel appearing for the petitioner submits that the petitioner will be satisfied, if a direction is issued to the respondents, to consider the representation of the petitioner, dated 02.05.2019.

6. The learned Additional Government Pleader appearing for the respondents 1 to 4 and the learned Government Advocate appearing for the 5th respondent would submit that the claim of the petitioner will be considered as per Rule 11(4) of the Tamil Nadu



Pension Rules, 1978, within the time frame fixed by this Court.

7. Having regard to the limited scope of the prayer, this Court, without expressing any opinion on the merits of the petitioner's case, directs the first respondent to consider the representation of the petitioner, dated 02.05.2019, on merits and in accordance with law, and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order, after affording due opportunity of hearing to the petitioner.

8. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CRL SIDE)

// True Copy //

Sub Assistant Registrar(CS)

trp
To

1. The Principal Secretatary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Chennai - 600 009.

2.The Director of Town Panchayat,
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Collectorate Complex,
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5.The Executive Officer,
Theroor Second Grade Town Panchayat,
Theroor Post - 629 704,
Kanyakumari District.

+1CC TO M/S.S.VISVALINGAM SR.NO.71707

+1CC TO M/S.SPECIAL GOVERNMENT PLEADER, SR.NO.72290

W.P(MD)No.14395 of 2019

27.06.2019

BUC(10.07.2019) 4P 8C