

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 09.04.2019

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.8450 of 2019
and W.M.P(MD)No.6618 of 2019

WEB COPY

Karuppaiah

... Petitioner

Vs.

1.The Director,
Local Fund Audit,
Kuralagam IVth Floor,
Chennai - 108.

2.The Assistant Director,
Office of the Local Fund Audit,
Tanjore.

3.The Commissioner,
Ammapettai Panchayat Union,
Ammapettai,
Tanjore District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the respondents to grant monthly pension to the petitioner and also pay the arrears of pension within a time frame fixed by this Court by considering the petitioner's representation, dated 24.07.2018.

For Petitioner : Mr.S.Karthick Subramanian

For RR 1 & 2 : Mrs.J.Padmavathy Devi,
Special Government Pleader.

For R - 3 : Mr.Thiagarajan

ORDER

This writ petition has been filed seeking issuance of a writ of Mandamus, to direct the respondents to grant monthly pension and also pay the arrears of pension to the petitioner within a time frame fixed by this Court, by considering his representation, dated 24.07.2018.

2.Heard Mr.S.Karthick Subramanian, learned counsel appearing for the petitioner; Mrs.J.Padmavathy Devi, learned Special Government Pleader, who takes notice for the respondents 1 and 2 and Mr.Thiagarajan, learned counsel, who takes notice for the third respondent. By consent, the Writ Petition is taken up for final disposal at the stage of admission itself.



3. According to the petitioner, he was employed as a pump operator in the Panchayat Union and he retired from service on 31.03.2012 on reaching the age of superannuation.

4. The grievance of the petitioner is that he is entitled to get the benefits of pension, as per G.O.Ms.No.408, Finance (Pension) Department, dated 25.08.2009 under the Old Pension Scheme. Since the benefits under the Old Pension Scheme have not been granted to the petitioner, he made a representation dated 24.07.2018 to the respondents and the same is pending without consideration. Therefore, the petitioner is before this Court seeking the above said relief.

5. The learned Special Government Pleader appearing for the respondents 1 and 2 and the learned counsel appearing for the third respondent submitted that the representation of the petitioner would be taken into consideration on merits.

6. In view of the above, this Court, without going into the merits of the case, directs the respondents to consider the representation of the petitioner, dated 24.07.2018 with regard to grant of monthly pension and arrears of pension, and pass appropriate orders, on merits and in accordance with law, after affording due opportunity of hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition stands disposed of. No costs. consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AE)

/ True Copy /

Sub Assistant Registrar (CS)

Ps

To

1. The Director,
Local Fund Audit,
Kuralagam IVth Floor,
Chennai - 108.

2. The Assistant Director,
Office of the Local Fund Audit,
Tanjore.



3.The Commissioner,
Ammapettai Panchayat Union,
Ammapettai,
Tanjore District.

+1 CC to M/s.SPL GP (SR-60106[F] dated 10/04/2019)

+1 CC to M/s.S.KARTHICK SUBRAMANIAN, Advocate
(SR-60196[F] dated 10/04/2019)

W.P (MD) No.8450 of 2019
09.04.2019

ES/KK/02.05.2019/3P/6C