

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2020

CORAM

THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

WP.No.454 of 2020

S.Sundararaman

.. Petitioner

- Vs -

The Management,
Tamil Nadu Slum Clearance Board,
No.5, Kamaraj Salai,
Chennai-600 005.

.. Respondent

Prayer:-

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, to direct the respondent to consider the representation dated 28.02.2019 and consequently direct the respondent to pay the petitioner's Pension/Family Pension every month till petitioner's life time.

For Petitioner : Ms.Kanimozhi Mathi

For Respondent : Mr.S.Prabhu
Standing Counsel

O R D E R

This writ petition has been filed for the issue of writ of Mandamus directing the respondent to consider the representation made by the petitioner on 28.02.2019 and to grant pension to the petitioner.

2. The case of the petitioner is that he was appointed as a N.M.R.Mazdoor in the year 1973. His service was regularized in the year 1979. When the petitioner was in service, he was served with a show cause notice on 01.07.1986 for unauthorised absence. Subsequently, the petitioner was removed from service by an order dated 10.10.1986 and it was further confirmed by an order dated 17.08.1990. The petitioner filed I.D.No.15/1991 before the First Additional Labour Court, Chennai, challenging the order of removal and the same was allowed and the respondent was directed to reinstate the petitioner with full back wages, by an award dated 31.08.2004. This award was put to challenge

before this Court in WP.No.40241 of 2005. The writ petition came to be dismissed for default on 07.12.2015 and subsequently, the restoration petition was also dismissed on 26.04.2019.

3. The petitioner filed C.P.No.76 of 2016 claiming for the back wages and the C.P Petition was allowed by an order dated 05.04.2018. Since the same was not paid, the petitioner filed EP.No.67 of 2018.

4. In the meantime, the respondent challenged the order passed by this Court by an order dated 15.10.2019, wherein the respondent informed this Court that the sum of Rs.21,73,272/- has been deposited. Recording the same, the writ petition was disposed of.

5. The petitioner has withdrawn the amount and he has made a representation seeking for Family Pension. Since the same was not considered, the present writ petition has been filed before this Court.

6. Heard Ms.Kanimozhi Mathi, learned counsel appearing for the petitioner and Mr.S.Prabhu, learned standing counsel appearing on behalf of the respondent.

7. Taking into consideration the facts and circumstances of the case and the limited relief that has been sought for in this writ petition, there shall be a direction to the respondent to consider the representation dated 28.02.2019 made by the petitioner seeking for Family Pension and pass appropriate orders strictly in accordance with law, within a period of six (6) weeks from the date of receipt of a copy of this order. The petitioner is directed to make a fresh representation to the respondent along with the copy of representation dated 28.02.2019 and a copy of this order.

8. This writ petition is disposed of with the above directions. No costs. सत्यमेव जयते

Sd/-

Assistant Registrar(CS V)

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Sub Assistant Registrar

KMI

To

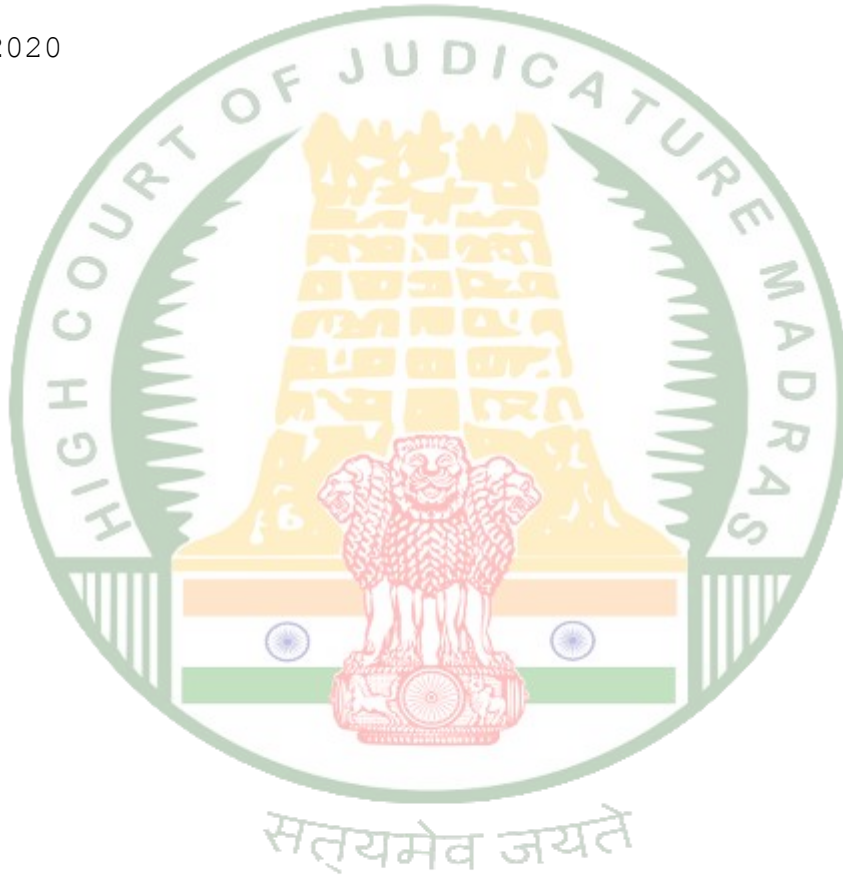
The Management,
Tamil Nadu Slum Clearance Board,
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Chennai-600 005.

+1cc to Mr.S.Prabhu, Advocate, S.R.No.14063

+1cc to Ms.Kanimozhi Mathi, Advocate, S.R.No.14134

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SVI (CO)
CS/22/05/2020



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