

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.15754 of 2014

Krishnan

...Petitioner

Vs

1. The Corporation of Chennai,
Rep. By its Commissioner,
Rippon Building,
Chennai - 600 003.

2. The Health Officer,
Rippon Building,
The Corporation of Chennai,
Chennai - 600 003.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorari and Mandamus directing the respondents to calculate the service period from the date of original appointment dated 22.11.1971 to 30.03.2009 and calculate the pension gratuity amount with 18% interest to the petitioner.

For Petitioner : Ms.Beulah John Selvaraj

For Respondents : Mrs.Karthikaa Ashok

ORDER

(This case has been heard through video conference)

This writ petition has been filed for a direction to the respondents to calculate the service period from the date of original appointment dated 22.11.1971 to 30.03.2009 and calculate the pension and gratuity amount with 18% interest to the petitioner.

2. The case of the petitioner is that he was appointed in the respondent Corporation on 29.11.1971, however, he was ousted from service and, thereafter, reinstated on 4.1.79 and his services were made permanent from 07.03.1984. After completion of 38 years of service, he retired from service on

30.03.2009. It is further averred that based on G.O. 408, dated 25.08.2009, he is entitled to claim half of his services rendered on consolidated basis also for the purpose of calculating his pension and gratuity. While calculating such payment, his entire period of service was not taken into account and thus his services for 13 years on consolidated pay were not considered. As such, he submitted a representation dated 3.10.2010 to the respondents, which was not considered. Hence this writ petition.

3. Learned counsel for the petitioner would submit that as per G.O.408, dated 25.08.2009, the petitioner is eligible for pension and gratuity from the date of appointment on temporary basis i.e. From 29.11.1971 by calculating fifty percent of his service on consolidated pay. However, while calculating the period, the 13 years service rendered on consolidated pay has not been taken into account and, therefore, he prays for appropriate direction to consider his representation for calculating his service and for passing appropriate orders within a particular time frame.

4. Per contra, learned Standing Counsel appearing for the respondents / Corporation submitted that it has been stated by the petitioner that he rendered a total service of 43 years, whereas his service register available with the respondents shows that after break in his service, he joined on 11.01.1979 and his services were absorbed only from 10.03.1984 on consolidated pay and from 22.10.1986 his scale of pay was fixed on permanent basis and thereafter, on attaining the date of superannuation, he retired from service on 31.03.2009. Thus the respondents have calculated the services of the petitioner for a period of 25 years and 22 days and thereby his representation was considered in accordance with law. Hence, she prays for dismissal of the writ petition.

5. Heard the learned counsel on either side and perused the materials available on record.

6. Though contentions and counter contentions have been raised, however, the fact remains that the representation submitted by the petitioner has not resulted in passing of any order by the respondents. In such view of the matter, this Court, without going into the merits of the contentions raised by the learned counsel on either side, this Court directs the petitioner to submit a fresh representation within a period of two weeks from the date of receipt of a copy of this order and on receipt of the said representation, the respondents are directed to consider the said representation of the petitioner

in the light of the G.O. Ms.No.408, dated 25.08.2009 and pass orders thereon on merits and in accordance with law, within a period of twelve weeks thereafter.

7. Accordingly, the writ petition stands disposed of with the aforesaid directions. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

vsi2

To

1.The Commissioner,
Corporation of Chennai,
Rippon Building, Chennai.

2.The Health Officer,
Corporation of Chennai,
Rippon Building, Chennai.

+1cc to M/s.N.Beulah John Selvaraj, Advocate, S.R.No.3656

W.P.No.15754 of 2014

SJ(CO)
KKV/03/12/2020

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