



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.03.2020

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)No.4437 of 2020

WEB COPY

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... Petitioner

Vs.

1.The Additional Chief Secretary,
Rural Development and Panchayath Raj Department,
Panagal Building,
Chennai-600 015.

2.The Assistant Director,
Rural Development and Panchayath Raj Development,
District Collector Office Campus,
Madurai District.

3.The District Collector,
Madurai District,
Madurai-625020.

4.The Block Development Officer (B.D.O.),
Block Development Office,
Madurai West Block,
Madurai District.

5.The President,
Mela Urappanur Village Panchanyath Office,
Thirumangalam Taluk,
Madurai District.

6.The Secretary
Mela Urappanur Village Panchanyath Office,
Thirumangalam Taluk,
Madurai District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondents to pay the lump sum payment a sum of Rs.50,000/- (Fifty Thousand rupees) and the Special Monthly Pension a sum of Rs.2,000/- for every month from the date of retirement to the petitioner based on the Government Order in G.O.Ms.No.348 (Finance (Pay Cell) Department) dated 28.11.2017 within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.R.Karunanidhi
for Mr.A.Sahaya Philomin Raj

For Respondents : Mr.K.Mu.Muthu,
Additional Government Pleader



ORDER

This writ petition has been filed for issuance of a Writ of Mandamus to direct the respondents to pay the lumpsum payment a sum of Rs.50,000/- (Fifty Thousand Rupees) and the Special Monthly Pension, i.e., a sum of Rs.2,000/-, for every month from the date of retirement, to the petitioner, based on the Government Order in G.O.Ms.No.348, Finance (Pay Cell) Department, dated 28.11.2017, within a stipulated time that may be fixed by this Court.

2.Mr.K.Mu.Muthu, learned Additional Government Pleader, takes notice for the respondents. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.The case of the petitioner is that the petitioner had served as Sweeper at the 5th respondent office for a period of 30 years and the nature of work is full time employment. The petitioner was used for cleaning drainage and remove garbage in the jurisdiction of the village panchayat. He had received time scale of pay, during his service. He has drawn a monthly salary of Rs.4,770/- from the 5th respondent office. The salary was paid through his account. He retired from service in the month of October, 2019.

4.The grievance of the petitioner is that the Government of Tamil Nadu has passed G.O.Ms.No.348, Finance (Pay Cell) Department, dated 28.11.2017 and issued directions that all employees in both Government Departments and Local Bodies in the Special Time Scale of Pay, shall be granted Special Monthly Pension of a sum of Rs.2,000/- and a lumpsum payment of Rs.50,000/-. According to the petitioner, the petitioner is entitled to get the same. Therefore, he made representations dated 05.12.2019 and 13.01.2020, to the respondents, alongwith the application form for Special Pension and Lumpsum Payment, but the same has not been considered so far. Therefore, the petitioner has come up with the present writ petition.

5.The learned Additional Government Pleader appearing for the respondents submitted that the representation is pending before the 4th respondent and the 4th respondent has to forward the same to the 1st respondent for passing appropriate orders.

6.Though the learned counsel for the petitioner has sought for larger relief, he would pray that it would suffice if a direction is given to the 4th respondent to forward the representation of the petitioner along with the Application form for Special Pension and Lumpsum Payment, to the 1st respondent and also to direct the 1st respondent to consider the representation of the petitioner, dated 05.12.2019.



7. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

8. Considering the limited scope of prayer sought for, this Court, without advertent to the merits of the case, directs the 4th respondent to forward the representation of the petitioner, dated 05.12.2019 with all relevant records including the Application Form for Special Pension and Lumpsum Payment, within a period of one (1) week from the date of receipt of a copy of this order and on receipt of the same, the 1st respondent is directed to consider the same and pass appropriate orders on merits and in accordance with law and also in the light of G.O.Ms.No.348, Finance (Pay Cell) Department, dated 28.11.2017, within a period of eight (8) weeks thereafter.

9. With the above directions, this Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1. The Additional Chief Secretary,
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Madurai District.

+1 CC to Mr.R.KARUNANITHI, Advocate (SR-9733[F] dated 03/03/2020)
+1 CC to SPL.GP (SR-9748[F] dated 03/03/2020)

**ORDER MADE IN
W.P (MD) No.4437 of 2020
02.03.2020
(13/14)**

MK (17.03.2020) 4P 9C