



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : **02.03.2020**
CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU
W.P(MD)No.4361 of 2020

WEB COPY

K.Perumal

... 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,
Virudhunagar District.
- 3.The District Collector,
Virudhunagar District,
Virudhunagar-626002.
- 4.The Block Development Officer (B.D.O.),
Block Development Office,
Sivakasi Block,
Virudhunagar District.
- 5.The President,
Devar kulam Village Panchanyath Office,
Sivakasi Taluk,
Virudhunagar District.
- 6.The Secretary
Devar kulam Village Panchayath Office,
Sivakasi Taluk,
Virudhunagar 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 Special Monthly Pension, a sum of Rs.2,000/-, for every month from the date of retirement i.e., 28.02.2018, 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 Special Monthly Pension, i.e., a sum of Rs.2,000/-, for every month from the date of retirement i.e., 28.02.2018, 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 19 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.4,201/- from the 5th respondent office. The salary was paid through his account. He retired from service on 28.02.2018.

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 04.12.2019 and 22.01.2020, 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 04.12.2019.



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 advertting to the merits of the case, directs the 4th respondent to forward the representation of the petitioner, dated 04.12.2019 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 //

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Sub Assistant Registrar(CS)

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To

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Virudhunagar District.

6.The Secretary
Deva kulam Village Panchanyath Office,
Sivakasi Taluk,
Virudhunagar District.

+1 CC to MR.R.KARUNANITHI, Advocate (SR-9729[F] dated 03/03/2020)
+1 CC to SPL.GP (SR-9761[F] dated 03/03/2020)

**ORDER MADE IN
W.P (MD) No.4361 of 2020
02.03.2020**

MK (17.03.2020) 4P 9C