



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.6746 of 2020

Arumugam

... Petitioner

Vs.

1. The Director of Local Fund Audit,
Finance Department,
Integrated Building, 4th Floor,
Nandhanam, Chennai - 35.
2. The Commissioner of Municipal Administration,
M.R.C.Nagar, Chennai - 28.
3. The Commissioner,
Municipality Office,
Ramanathapuram,
Ramanathapuram District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondents to consider the representation of the petitioner dated 03.03.2020 for sanction and disbursement of Pensionary benefits to the petitioner in the light of Para No.3(1) of G.O.Ms.No.125, Municipal Administration & Water Supply (Na.Pa.3) Department dated 27.05.1999, within the period that may be stipulated by this Court.

For Petitioner :Mr.K.Ponniah,
for M/s.Ajmal Associates

For Respondents :Mrs.J.Padmavathi Devi, Spl.G.P.
For RR1 and 2
Mr.A.Kannan, for R3

ORDER

The prayer sought for in this writ petition is for a Writ of Mandamus, directing the 1st respondent to consider the representation of the petitioner dated 03.03.2020 for sanction and disbursement of Pensionary benefits to the petitioner.



2.The petitioner was initially appointed at the 3rd respondent Municipality as Water Tank Watchman on consolidated pay. Subsequently, from the year 2001 onwards, as per the resolution of the 3rd respondent Municipality dated 09.07.2001, he was brought under time scale of pay w.e.f. 01.06.2001. Thereafter, after serving for several years, he retired from service on superannuation on 30.04.2018. However, there has been no pension fixed on the petitioner. Therefore, in order to get pensionary benefits, he has already requested the respondents and in this regard, even though pension proposal was forwarded by the 3rd respondent to the 1st respondent, the same seems to have been returned for certain clarification and at this stage, the petitioner had given a latest detailed representation dated 03.03.2020 to the respondents and the learned counsel appearing for the petitioner would submit that, if the said representation is directed to be considered by the respondents, especially, by the 1st respondent, after getting concurrence from the 2nd and 3rd respondents, within a time frame to be stipulated by this Court, the petitioner would be satisfied.

3.Heard the learned counsel appearing for the third respondent, who would rely upon the counter affidavit filed by the 3rd respondent, where, it is stated that, the issue as to whether the Water Tank Watchman, brought under time scale of pay from 01.06.2001 in entry level posts in the Municipality, which was regularised as per order dated 23.02.2006, would be entitled to get pension or not can only be decided after the decision made by the Hon'ble Supreme Court, where related appeal is pending on the same issue.

4.By relying upon the averments made in the counter affidavit, the learned counsel would submit that, the request of the petitioner only be considered after a verdict is given by the Court of law on the issue which is pending before the Hon'ble Supreme Court as referred to in the counter.

5.I have considered the submissions made by the learned counsel for both parties and have perused the counter affidavit.

6.Having regard to the said submissions and the factual matrix of the case, this Court is inclined to dispose of this writ petition with the following direction:

"The respondents, especially, the 1st respondent is directed to consider the representation of the petitioner dated 03.03.2020 on merits and in accordance with law. While considering the same, the 1st respondent can get remarks from the 2nd and 3rd respondents and after considering the same, necessary order can be passed as early as possible".



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7. With this direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Director of Local Fund Audit,
Finance Department,
Integrated Building, 4th Floor,
Nandhanam, Chennai - 35.
2. The Commissioner of Municipal Administration,
M.R.C.Nagar, Chennai - 28.
3. The Commissioner,
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Ramanathapuram District.

W.P. (MD) No. 6746 of 2020
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VR (CO)
CS (02.11.2020) 3P 4C