



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.07.2020

CORAM:

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THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) .No.7852 of 2020

P.Anbuselvam

.. Petitioner

Vs.

1) The Secretary,
Municipal Administration and Water
Supply Department,
Fort St.George,
Chennai 600 009

2) The Commissioner,
Madurai Corporation,
Madurai 625 002

3) The Deputy Director,
Madurai Corporation Audit
Local Fund Audit Department,
Madurai Corporation,
Madurai 625 002

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 21.11.2019 and 17.06.2020 and pass orders thereon for grant and pay of pension and other related benefits to the petitioner as applicable to the post of Skilled Assistant Grade I (Selection Grade) with arrears from the date of his retirement in accordance with law within a time frame as may be stipulated by this Court.

For Petitioner : Mr.Y.Prakash

For R-1 : Mrs.J.Padmavathi Devi,
Special Government Pleader

For RR 2 & 3 : Mr.J.Gunaseelan Muthiah,
Standing Counsel



O R D E R

The prayer sought for in this Writ Petition is for a Writ of Mandamus, seeking for a direction to the respondents to consider the representation of the petitioner dated 21.11.2019 and 17.06.2020 and pass orders thereon for grant and pay of pension and other related benefits to the petitioner as applicable to the post of Skilled Assistant Grade I (Selection Grade) with arrears from the date of his retirement in accordance with law within a time frame as may be stipulated by this Court.

2. The petitioner was working as Skilled Assistant Grade-I (Selection Grade) and upon superannuation, he retired from service on 31.07.2017. After that, he has been getting pension from the respondent Corporation. However, in this regard, it is the grievance of the petitioner that, his pension is being paid based on the calculation, as if, the petitioner worked and retired as Skilled Assistant Grade -II, based on some audit objections.

3. In this regard, it is the case of the petitioner that, the petitioner retired from service only as Skilled Assistant Grade -I (Selection Grade) and therefore, his pay as well as pensionary benefits should be calculated on that basis and the same has to be paid to the petitioner. Therefore, in this regard, the petitioner has given representations dated 21.11.2019 and 17.06.2020 to the second respondent. According to the learned counsel for the petitioner, if the said representations are directed to be considered by the respondents, then, the petitioner would be satisfied.

4. Heard the learned counsel appearing for the petitioner and the learned standing counsel appearing for the respondent Corporation.

5. Mr.J.Gunaseelan Muthiah, learned standing counsel accepts notice appearing on behalf of the respondent Corporation, and submitted that, the said representations dated 21.11.2019 and 17.06.2020 submitted to the Commissioner would be considered on merits and in accordance with law, within a time frame that may be fixed by this Court.

6. Considering the limited scope of the prayer sought for in this writ petition, this Court is inclined to dispose of the writ petition by passing the following order:

"that the respondent Corporation (i.e) the second respondent shall consider the representations of the petitioner, dated 21.11.2019 and 17.06.2020 and pass orders thereon on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this order."



7. With this direction, the Writ Petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar

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// 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 Secretary,
Municipal Administration and Water
Supply Department,
Fort St.George,
Chennai 600 009
- 2) The Commissioner,
Madurai Corporation,
Madurai 625 002
- 3) The Deputy Director,
Madurai Corporation Audit
Local Fund Audit Department,
Madurai Corporation,
Madurai 625 002

Order made in
W.P. (MD) .No.7852 of 2020

Dated:
22.07.2020

CS (20.08.2020) P C