



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :29.10.2020

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THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

W.P. (MD) No.14937 of 2020

S.Raju

...Petitioner

Vs

1. The Secretary to the Government of Tamilnadu,
Municipal Administration & Water Supply Department,
Fort St.George,
Chennai 600 009.

2. The Director of Town Panchayat,
Kuralagam,
Chennai 600 018.

3. The Assistant Director of Town Panchayat,
Collectorate Campus,
Dindigul District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to pass orders sanctioning pension and other retirement benefits under the Old GPF and pension scheme including 50% of the petitioner's past service on daily wages from 16.07.2003 to 31.01.2013 in the light of the order passed by this Court in WP.Nos.11748 to 11756 of 2017 dated 05.05.2017, by way of considering the petitioner's representation dated 24.10.2019, 18.11.2019 and 19.02.2020.

For Petitioner : Mr.N.Marimuthu
For Respondents : Mr.K.P.Narayanakumar
Special Government Pleader

ORDER

This Writ Petition is filed to direct the respondents to disburse pension and other retirement benefits under the Old GPF and pension scheme including 50% of the petitioner's past services on daily wages from 16.07.2003 to 31.01.2013, in the light of the order passed by this Court in WP.Nos.11748 to 11756 of 2017 dated 05.05.2017.



2.By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

3.The learned counsel appearing for the petitioner would submit that the petitioner was working as Junior Assistant in the respondent department and on attaining the age of superannuation, he retired from service on 31.01.2013. After the retirement, the petitioner was paid with the matured amount on Special Provident Fund and Earned Leave surrender on old pay without any further increment, which was due to the petitioner for the period from 01.04.2011 to 01.04.2012.

4.The learned counsel would further submit that if the increment is paid for the said period to the petitioner, he will get an increased amount in his salary. However, the petitioner was not paid his final withdrawal on General Fund till date. Thereafter, the petitioner has filed a writ petition in W.P.(MD) No.4139 of 2016, wherein, this Court, by order dated 04.09.2019, has passed the following directions:-

"Considering the submission made by the learned counsel for the writ petitioner, this writ petition is disposed of, directing the writ petitioner to send a fresh representation to the respondents, within a period of two (2) weeks from the date of receipt of a copy of this order and on such receipt of representation from the writ petitioner, the respondents 1 and 2 are directed to consider the same and pass appropriate orders on merits and in accordance with law, within a period of twelve (12) weeks thereafter. No costs."

5.In compliance of the above order, though the petitioner has made a fresh representation dated 24.10.2019 before the respondents and has made reminder representations dated 18.11.2019 and 19.02.2020, so far no action has been taken. Hence, the petitioner is before this Court for the relief stated supra.

6.The learned Special Government Pleader appearing for the respondents would fairly submit that the the petitioner's representations dated 18.11.2019 and 19.02.2020, would be considered on merits and in accordance with law by the 2nd respondent, within a time frame to be fixed by this Court.

7.Recording the submission made by the learned Special Government Pleader, this Court is inclined to pass the following directions:-

the 2nd respondent is directed to consider the petitioner's representations dated 18.11.2019 and 19.02.2020 and pass appropriate orders on merits and in accordance with law, by taking note of the



order passed by this Court in W.P.(MD) No.4139 of 2016, dated 04.09.2019, on or before 04.12.2020, failing which, the 2nd respondent is directed to appear in person before this Court to explain as to why he has not complied with the order of this Court.

8. With the above direction, the Writ Petition stands disposed of. No costs.

9. Post the matter on 14.12.2020 for reporting compliance.

Sd/-

Assistant Registrar (CS-II)

// 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 to the Government of Tamilnadu,
Municipal Administration & Water Supply Department,
Fort St.George,
Chennai 600 009.
2. The Director of Town Panchayat,
Kuralagam,
Chennai 600 018.
3. The Assistant Director of Town Panchayat,
Collectorate Campus,
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