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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 19.03.2021

CORAM:

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

W.P.No.16679 of 2012

M.Selvam

... Petitioner

Vs.

1. Commissioner of Municipal Administration,
Ezhilagam, Chennai - 600 005.

2. The Commissioner,
Chengalpet Municipality,
Chengalpet.

3. The Commissioner,
Arakonam Municipality,
Arakonam.

4. The Directorate
Local Fund Audit
Kuralagam, Chennai - 600 001.

... Respondents

Prayer: Petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to pay to the petitioner forthwith his revised pay arrears, special provident fund dues, excess motorcycle advance recovered, Dearness Allowance arrears and revised pensionary benefits etc. with interest at 12% per annum from the dates due till payment as per the petitioner's representation dated 24.02.2011.

For Petitioner : Mrs.R.Meenal

For Respondents : Mr.K.Magesh
Special Government Pleader

ORDER

The prayer sought for herein is for a writ of mandamus directing the respondents to pay to the petitioner forthwith his revised pay arrears, special provident fund dues, excess motorcycle advance recovered, Dearness Allowance arrears and revised pensionary benefits etc. with interest at 12% per annum



from the dates due till payment as per the petitioner's representation dated 24.02.2011.

2.The petitioner was working and retired from the respondent office i.e., Chengalpet Municipal Office on 31.12.2006. After retirement, though all other retiral benefits had been paid to the petitioner, with regard to the revised pay arrears for the period from 01.01.2001 to 31.12.2006 had not been paid. In order to get the said amount, the petitioner had given representation on 24.02.2011 to the respondents, despite the same, nothing was forthcoming and no such payment has so far been made even though the writ petition had been filed and is pending all these years from 2012. Therefore, Mrs.R.Meenal, learned counsel appearing for the petitioner seeks indulgence of this court to give a direction to the respondents, especially the second respondent to consider the said request of the petitioner dated 24.02.2011 and pass orders as to the entitlement of the petitioner to get the revised pay for the said period and accordingly dispose the same within a time frame.

3.Heard Mr.K.Magesh, learned Special Government Pleader appearing for the respondents who would submit that, if at all the petitioner still has got any grievance with regard to the pay arrear for the said period between 01.01.2001 and 31.12.2006 and in this regard, if he had given the said representation dated 24.02.2011 and the same if not already has been considered, certainly that would be considered within a time frame that may be stipulated by this Court.

4.Taking into account the said submissions made by the learned counsel appearing for both sides and having regard to the innocuous nature of the prayer sought for herein, this Court is inclined to dispose of this writ petition with the following orders.

(i) That the respondents, especially the second respondent shall consider the request of the petitioner made through his representation dated 24.02.2011 addressed to the first respondent and copy marked to the second respondent and decide the same on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

(ii) It is made clear that since the representation is of the year 2011, a copy of the same shall also be annexed by the petitioner along with the copy of this order and send the same to the second respondent within a period of two weeks from the date of receipt of a copy of this order and after receipt of the same from the petitioner, the second respondent shall do the needful as indicated above.



5. With this direction, this Writ Petition is disposed of. No costs.

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Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

Sgl

To

1. Commissioner of Municipal Administration,
Ezhilagam, Chennai - 600 005.
2. The Commissioner,
Chengalpet Municipality,
Chengalpet.
3. The Commissioner,
Arakonam Municipality,
Arakonam.
4. The Directorate
Local Fund Audit
Kuralagam,
Chennai - 600 001.

+1cc to M/S.R.Meenal, Advocate, S.R.No.18111
+1cc to the Government Pleader, S.R.No.18214

W.P.No.16679 of 2012

PMK(CO)
SU(26/07/2021)