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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.18933 of 2021

and

W.M.P.No.20203 of 2021

(Through Video Conferencing)

1.V.Jayasankar
2.S.Anbarasu
3.M.Ganesan

... Petitioners

Vs

1. The Greater Chennai Corporation,
Rep by its Commissioner,
Rippon Building, Chennai - 600 003.

2. The City Health Officer,
Greater Chennai Corporation,
Rippon Buildings, Chennai - 600 003.

3. The Secretary to Government,
Municipal Administration,
Water Supply Department,
Government of Tamil Nadu,
Fort.St.Geroge, Chennai - 600 009.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the 1st respondent to consider the petitioners representation dated 15.04.2021 and 05.05.2021 to grant pensionary benefits and terminal benefits by taking account of 50% temporary service of the petitioner served in the respondents Corporation from 12.12.1996 to 31.05.2021, 19.11.1996 to 31.12.2020 and 24.11.1997 as per G.O.Ms.No.408 dated 25.08.2009 Finance (Pension) department and service benefits along with suitable interest to the petitioner.

For Petitioner	:	Mr.N.Beulah John Selvaraj
For Respondents	:	Mr.M.Ganesan
		Standing Counsel for R1 & R2
		Mr.L.S.M.Hasan Fizal
		Government Advocate for R3



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ORDER

The 1st and 2nd petitioners have already retired from the service of the 3rd respondent on 31.05.2020 and on 31.12.2020 whereas the 3rd petitioner continues to be in service and will be retire in due course of time on attaining the age of superannuation. It is the case of the petitioners that they were appointed originally as daily workers in 1996 and their services were regularized in terms of G.O.Ms.No.125 Municipal Administration and Water Supply Department dated 27.05.1999 and appointment orders were issued. It is further case of the petitioners that they are entitled to be benefits of G.O.Ms.No.408 dated 25.08.2009. In this connection, the petitioners have sent a representation dated 15.04.2021 and on 05.05.2021.

2. These representations are not evoked any positive response from the respondents. The learned counsel for the petitioner submits that the issue is no longer res integra and is covered by a decision of this Court rendered vide order dated 02.08.2017 in the case of K.Arulanandam Vs. The Principal Secretary to Government and others in W.P.No.8629 of 2019.

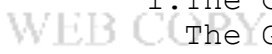
3. The learned counsel for the respondent submits that appropriate orders will be passed on the representations of the petitioners, and if the petitioners are indeed entitled to the benefit of G.O.Ms.No.408 dated 25.08.2019 and appropriate orders will be passed. Considering the submissions made by the learned counsel for the respondents, this writ petition is disposed by directing the respondents to consider and pass appropriate orders on merits in accordance with law by considering the extend the benefit of G.O.Ms.No.408 dated 25.08.2009 to the petitioners if on merits they are eligible within a period of six weeks from the date of receipt of a copy of this order. The respondents may also see whether the decision of this Court vide order dated 02.08.2017 in the case of K.Arulanandam Vs. The Principal Secretary to Government and others in W.P.No.8629 of 2019 can be applied in the case of the petitioners.

4. This writ petition stands disposed of with the above observations. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar



To

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