



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD)No.527 of 2019

(Through Video Conference)

WEB COPY

1) K.Jayanthi
2) H.M.Vasanthi
3) R.Sathiyamurthy ... Petitioners

Vs

1. The Commissioner,
Trichy City Municipal Corporation,
Trichy.

2. The Deputy Director of
Local Fund Audit,
Trichy City Municipal Corporation,
Trichy. ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to calculate the pension benefits of the petitioners from the date of their original entry in service in ELCOT.

For Petitioners : Mr.S.R.A.Ramachandran

For Respondents : Mr.Saji Bino

O R D E R

By placing reliance on G.O.Ms.No.12, Information Technology (MIE.II) Department dated 25.05.2000 and G.O.Ms.No.24, Information Technology (NIE) Department dated 16.07.1999, the petitioners seek for a direction to the respondents to calculate their pensionary benefits from the date of their original entry in service in ELCOT.

2. The entitlement of the petitioners to such calculation of their original date of entry into service, is based on factual aspects and it would not be appropriate for this Court to deal with such facts by exercising its powers under Article 226 of the Constitution of India. Rather, it could be the task of the first respondent to answer such a claim made by the petitioners. In this background, if the respondents are directed to address the grievances of the petitioners, the ends of justice could be secured.



3. In this background, the petitioners are granted liberty to make suitable representations to the first respondent herein ventilating their grievances and on receipt of their representations, the first respondent herein, shall consider the same on its own merits and pass appropriate orders in accordance with law, atleast within a period of three months from the date of the application.

4. It is made clear that this Court has not expressed any of its views with regard to the claim made by the petitioners and it is open to the first respondent to independently arrive at a conclusion. The writ petition stands disposed of, accordingly. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

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 Commissioner,
Trichy City Municipal Corporation,
Trichy.
2. The Deputy Director of
Local Fund Audit,
Trichy City Municipal Corporation,
Trichy.

Order made in
W.P. (MD)No.527 of 2019
Dated:
27.01.2021

KM (22.02.2021) 2P 3C