



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:16.03.2021

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**
W.P. (MD)Nos.10200 and 10201 of 2017
and
W.M.p(MD)Nos.7827 and 7828 of 2017

1.K.Ramar ... Petitioner in W.P(MD)No.10200/17
2.Tmt.M.Valli ... Petitioner in W.P(MD)No.10201/17

Vs.

1.The State of Tamil nadu rep by
The Secretary to Government,
Municipal Administration and Water
Supply Department,
Fort St.George, Chennai-600 009.

2.The Commissioner of Municipal Administration,
Chepauk,
Chennai-600 005.

3.The Director of Local Fund Audit,
Kuralagam Building,
Chennai-600 108.

4.The Assistant Director of Local Fund Audit,
Municipal Pension,
Kuralagam Building 4th Floor,
Chennai-600 108.

5.The Commissioner,
Kadayanallur Municipality,
Kadayanallur-627 751,
Tirunelveli District.

... Respondents in both W.Ps

Prayer in W.P(MD)No.10200 of 2017: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to treat the petitioner's wife late Tmt.Muthalammal, Sweeper as an employee covered under the Tamil Nadu Pension Rules, 1978 prior to its amendment, dated 01.04.2003 and consequently, disburse all the terminal benefits of the petitioner's wife late.Tmt.Muthalammal, Sweeper with interest and to grant family Pension continuously to the petitioner in the light of the dictum laid down by this Court in the judgment dated 30.09.2015 made in W.A(MD)No.1026 of 2015 within a stipulated time may be fixed



by this Court.

Prayer in W.P(MD)No.10201 of 2017: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to treat the petitioner's husband late Thiru.Mookan, Sweeper as an employee covered under the Tamil Nadu Pension Rules, 1978 prior to its amendment, dated 01.04.2003 and consequently, disburse all the terminal benefits of the petitioner's husband late.Thiru.Mookan Sweeper with interest and to grant family Pension continuously to the petitioner in the light of the dictum laid down by this Court in the judgment dated 30.09.2015 made in W.A(MD)No.1026 of 2015 within a stipulated time may be fixed by this Court.

For Petitioners : Mr.V.Muthukamatchi
in both W.Ps for Mr.R.Mathiyalagan

For R1 to R4 : Mr.M.Muthugeethayan
in both W.Ps Special Government Pleader

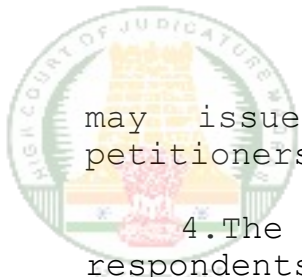
For R5 in
both W.Ps : Mr.P.Srinivas

COMMON ORDER

These Writ Petitions are filed for a direction to the respondents to treat the petitioner's wife viz., late Tmt.Muthalammal, and the petitioner's husband viz., late Thiru.Mookan, Sweepers as employees covered under the Tamil Nadu Pension Rules, 1978 prior to its amendment, dated 01.04.2003 and consequently, disburse all the terminal benefits with interest and to grant family Pension continuously to the petitioners, in the light of the dictum laid down by this Court, in the judgment dated 30.09.2015, made in W.A(MD)No.1026 of 2015.

2.In the affidavit, the petitioners have averred that one late Tmt.Muthalammal, and late Thiru.Mookan, were appointed as Sweepers in Kadayanallur Municipality, on 29.09.1984, on consolidated pay and consequently, they were absorbed in the regular time scale of pay, on 01.05.1997 and 01.07.1999 respectively. While they were in service, they died on 10.05.2014 in harness. Thereafter, the petitioners approached the respondents to disburse the terminal benefits. Hence, the petitioners have made representations dated 10.12.2014, 20.02.2015, 27.02.2015, 13.04.2015, 04.05.2015 and 28.05.2015. So far no orders have been passed. Hence, these writ petitions.

3.The learned counsel for the petitioners submitted that the similar issue involves in these writ petitions was already decided by the Division Bench in W.A(MD)No.1026 of 2015. Hence, this Court



may issue a direction to the respondents to consider the petitioners' representations.

4.The learned Special Government Pleader appearing for the respondents 1 to 4 submitted that the judgment passed in W.A(MD) No.1026 of 2015 was overruled by the Full Bench of this Court. However, the petitioners' representations will be considered in accordance with law.

5.Considering the limited request made by the learned counsel for the petitioners, this Court directs the fourth respondent to consider the petitioners' representations dated 28.05.2015 and pass appropriate orders in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6.With the above direction, these Writ Petitions are disposed of. No cost. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

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/ /2021

Sub Assistant Registrar(CS)

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To

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2.The Commissioner of Municipal Administration,
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3.The Director of Local Fund Audit,
Kuralagam Building,
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4.The Assistant Director of Local Fund Audit,
Municipal Pension,
Kuralagam Building 4th Floor,
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5.The Commissioner,
Kadayanallur Municipality,
Kadayanallur-627 751,
Tirunelveli District.

+2 CC to M/s.R.MATHIYALAGAN, Advocate(SR-11410[F] dated
16/03/2021)

+1 CC to M/s.SPL GP (SR-11983[F] dated 17/03/2021)

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