



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:16.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

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W.P. (MD)Nos.10426 and 10427 of 2017

and

W.M.p(MD)Nos.7971 and 7972 of 2017

1.Tmt.S.Esakkiammal ... Petitioner in W.P(MD)No.10426/17
2.Tmt.M.Madathi ... Petitioner in W.P(MD)No.10427/17

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,
Sengottai Municipality,
Sengottai-627 809

Tirunelveli District. ... Respondents in both W.Ps

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to treat the petitioners' husband late Thiru.K.Sekar and late Thiru.M.Mariappan, 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 of the petitioners' husband late.Thiru.K.Sekar and late Thiru.M.Mariappan, Sweepers 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 within a stipulated time may be fixed by this Court.



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For Petitioners : Mr.M.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.M.Saravanakumar

COMMON ORDER

These Writ Petitions are filed for a direction to the respondents to treat the petitioners' husband viz., late Thiru.K.Sekar and late Thiru.M.Mariappan, 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 Thiru.K.Sekar and late Thiru.M.Mariappan, 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 19.06.1998. While in service, the petitioners husband died on 23.07.2013 and 21.08.2016 in harness. Thereafter, the petitioners approached the respondents to disburse the terminal benefits. Hence, the petitioners have made representations dated 22.01.2015 and 07.12.2016. 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 07.12.2016 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 (Records)

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/ /2021

Sub Assistant Registrar(CS)

To

1.The Secretary to Government,
The State of Tamil nadu
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.

+2 CC to M/s.R.MATHIYALAGAN, Advocate (SR-11411[F] dated 16/03/2021)

+1 CC to M/s.M.SARAVANA KUMAR, Advocate (SR-11409[F] dated 16/03/2021)

+1 CC to M/s.SPL GP (SR-11998[F] dated 17/03/2021)

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SMV (CO)
KB (26.04.2021) 3P 9C