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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.8351 of 2022

J.M.Giasudeen ...Petitioner

vs.

1.The Chairman,
Tamil Nadu Wakf Board,
No.1, Jaffer Sherong Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.

2.The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffer Sherong Street,
Vallal Seethakathi Nagar,
Chennai - 600 001. ...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 2nd respondent to sanction and to pay the additional 20% of pension amount from the month of July, 2021 and continue to pay the same to the petitioner from his basic pension pursuant to the G.O.(MS)No.42, Finance (Pension) Department dated 07.02.2011 by considering the petitioner's representations dated 05.07.2021 and 20.12.2021.

For Petitioner : Mr.A.Ilayaperumal

For Respondents: Mr.S.Haja Mohideen Gisthi
Standing Counsel

O R D E R

By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. This writ petition has been filed seeking a direction to the 2nd respondent to sanction and to pay the additional 20% of pension amount from the month of July, 2021 and continue to pay the same to the petitioner from his basic pension pursuant to the G.O.(MS)No.42, Finance (Pension) Department dated 07.02.2011

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by considering the petitioner's representations dated 05.07.2021 and 20.12.2021.

3. The case of the petitioner in brief:

The petitioner herein was working as Selection Grade Assistant under the respondent Board and he retired from service on 30.06.1999 after attaining superannuation. The Government has issued a G.O (Ms) No.42, Finance (Pension) Department dated 07.02.2011 sanctioning an additional quantum of pension at 20% to the persons who have attained 80 years of age and above. The petitioner has completed 81 years and therefore, as per the aforesaid G.O, he is entitled to get 20% of additional pension on his basic pension. Therefore, the petitioner has made a representation to the 2nd respondent on 05.07.2021, requesting them to sanction the additional pension amount as per the aforesaid G.O., but no action has been taken. Again, the petitioner sent two reminders to the 2nd respondent in the month of November 2021 and also made another representation on 20.12.2021, but no response. Hence, the petitioner filed this writ petition before this Court.

4. Mr.S.Haja Mohideen Gisthi, learned Standing Counsel takes notice for the respondents and he would submit that the representation of the petitioner will be considered by the authorities concerned on merits and in accordance with law, within a time frame as fixed by this court.

5. Inview of the above submissions and also considering the limited scope of prayer, without expressing any opinion on merits, this Court is inclined direct the 2nd respondent to consider the representation of the petitioner dated 20.12.2021 and pass orders on its own merits, 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, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

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To

1.The Chairman,
Tamil Nadu Wakf Board,
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Chennai - 600 001.

2.The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffer Sherong Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.

+1cc to Mr.A.Ilayaperumal, Advocate SR.No.23777

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MT(CO)
GMY(27/04/2022)

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