



W.P.(MD)No.18458 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.18458 of 2019

P.Vaithialingampillai

... Petitioner

vs.

- 1.The Principal Secretary to Government,
Municipal Administration and
Water Supply Department,
Secretariat, Chennai- 600 009.
- 2.The Director of Town Panchayat,
Urban Administrative Building,
M.R.C. Nagar, R.A.Puram,
Chennai-600 028.
- 3.The Director of Local Fund Audit Department,
Integrated Finance Offices Complex,
Back Side of Veterinary Hospital,
Nandanam, Chennai-600 035.
- 4.The Assistant Director of Town Panchayat,
Nagercoil Region, Collectorate Complex,
Nagercoil-629 009.



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5.The Executive Officer,
Palapallam First Grade Town Panchayat,
Palapallam Post-629 159,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the first respondent i.e., the Principal Secretary to Government, Municipal Administration and Water Supply Department, Chennai, to pass appropriate orders on the petitioner's representation, dated 08.07.2019, regarding sending pension proposals to the Director of Local Fund Audit, Chennai, following similar Government Orders issued in G.O.No.259, Municipal Administration and Water Supply Department, dated 17.06.2016, G.O.No.139, Municipal Administration and Water Supply Department, dated 07.04.2017 and G.O.No.364, Municipal Administration and Water Supply Department, dated 14.09.2017, within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam
For Respondents : Mr.N.Muthu Vijayan
Special Government Pleader

ORDER

This writ petition is filed for issuance of a writ of Mandamus, to direct the first respondent to pass appropriate orders on the petitioner's representation, dated



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08.07.2019, regarding sending pension proposals to the Director of Local Fund Audit, Chennai, following similar Government Orders issued in G.O.No.259, Municipal Administration and Water Supply Department, dated 17.06.2016, G.O.No.139, Municipal Administration and Water Supply Department, dated 07.04.2017 and G.O.No.364, Municipal Administration and Water Supply Department, dated 14.09.2017, within a specified time frame that may be fixed by this Court.

2.In the said representation, the petitioner has stated that the petitioner was serving in a regular time scale of pay from 23.06.2006 to 31.05.2019, ie., for 13 years. The petitioner has also served as full time daily wage service from 16.05.1985 to 30.11.1995. Subsequently, he has rendered full time contingency from 01.12.1995 to 22.06.2006, ie., nearly 22 years. The claim of the petitioner is that the full time contingency service is entitled to be considered under Rule 11 (4) of Tamil Nadu Pension Rules, 1978, thereby, 50% of the said service ought to be taken for granting pension.



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3. Therefore, this Court without expressing any opinion on the claim of the petitioner directs the 1st respondent to consider and pass orders within a period of 12 weeks from the date of receipt of a copy of this order.

4. With the above said observation, the writ petition is disposed of. No costs.

Index : Yes / No
Internet : Yes

19.12.2022

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