



W.P.No.1777 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2023

CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.1777 of 2020

G. Achiyammal

... Petitioner

Vs.

1. The Secretary to Government
Municipal Administration & Water
Supply Department,
Fort.St.George,
Chennai.
2. The Director of Municipal Administration
Urban Administration Buildings,
M.R.C.Nagar,
Chennai 600 028.
3. The Director of Local Fund Audit
Integrated Complex for Finance Department
Animal Husbandry Hospital Campus,
Nandanam,
Chennai 600 035.
4. The Commissioner
Thiruvarur Municipality,
Thiruvarur District.



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5. The Assistant Director of Local Fund Audit
Integrated Complex for Finance Department
Animal Husbandry Hospital Campus,
Nandanam, Chennai 600 035.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus to call for the records in pursuant to the 1st impugned order issued by the 5th respondent in proceedings Mu.Mu.No.15552/Na.O.Sa (1)/2018 dated 19.12.2018 and the 2nd impugned order issued by the 3rd respondent in Proceeding Mu.Mu.No.8806/Na.O.Sa.(1)/2019 dated 10.06.2019 and quash these orders and consequently direct the respondents to grant pension and other pensionary benefits to the petitioner under the Tamil Nadu Pension Rules 1978 with interest at the rate of 12% per annum with effect from the date of petitioner's retirement on 31.03.2018 with all consequential service and monetary benefits.

For Petitioner : Mr.R.Prem Narayan

For Respondents : Mr.S.Silambannan
Additional Advocate General
Asst.by Mr.T.Chezhiyan
Addl.Govt. Pleader for R1 to R3 & R5

Mr.T.Chezhiyan
Additional Government Pleader for R4



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ORDER

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The present Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus to quash the 1st impugned order issued by the 5th respondent in proceedings Mu.Mu.No.15552/Na.O.Sa (1)/2018 dated 19.12.2018 and the 2nd impugned order issued by the 3rd respondent in Proceeding Mu.Mu.No.8806/Na.O.Sa.(1)/2019 dated 10.06.2019 and consequently direct the respondents to grant pension and other pensionary benefits to the petitioner under the Tamil Nadu Pension Rules 1978 with interest at the rate of 12% per annum with effect from the date of petitioner's retirement on 31.03.2018 with all consequential service and monetary benefits.

2. It is the case of the petitioner that she was initially appointed as NMR on daily wages on full time basis on 01.09.1995. Based on G.O.Ms.No.125 Municipal Administration & Water Supply Department dated 27.05.1999 the petitioner was appointed as Junior Assistant on consolidated pay. Subsequently, her service was evaluated and were found to be satisfactory and her services were regularised by bringing her into regular



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time scale of pay with effect from 22.06.2002. The petitioner retired from service as Assistant in Thiruvarur Municipality on attaining the age of superannuation on 31.03.2018. The 3rd and 5th respondents issued the impugned orders refusing to grant pension to the petitioner under the Tamil Nadu Pension Rules 1978. Hence, the present Writ Petition.

3. Today when the matter was taken up for hearing, the learned Additional Advocate General – II Assisted by Mr.T.Chezhiyan, learned Additional Government Pleader furnished a copy of the letter (3P) No.02, dated 08.03.2023 of the Municipal Administration & Water Supply Department, Fort St.George, Chennai addressed to the Director of Local Fund Audit, Chennai and the relevant paragraphs 9 & 10 of the said letter are worth extracting.



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9. மேலே பத்தி 8-ல் உள்ள நுகராட்சி தீர்மானம் நியக்குநரின் செயற்குறிப்பினை அரசு தலைமைப் பரிசீலிக்கும் பார்வை ஒன்று மூலம் ஜி.ஜி. லைட் உள்ள அரசாங்கங்களின் அடிப்படையில் பரிசீலனைக்குப் பின், அதனை ஏற்று நுகராட்சிகள் / மாநகராட்சிகளில் 30.04.1997-ஆம் தேதிக்குப் பின்னர் தொடரப்பட்டிருந்த பணியில் அமர்த்தப்பட்டு 01.04.2003 தேதிக்கு முன்னர் (அதாவது புதிய பங்களிப்பு ஒய்வுதிய திட்டம் நடைமுறைப்படுத்தப்பட்ட நான்) பணிவரன் முறைப்படுத்தப்பட்டு முறைபாண கையிய விதித்ததில் பணிவரன் தரப்பட்ட 1.7.79 நுகராட்சிப் பணியாளர்கள் மற்றும் 20 மாநகராட்சிகளைச் (பெருநகர சென்னை மாநகராட்சி தீர்மானம்) சேர்ந்த 1859 பணியாளர்களுக்கும் தகுதி வாய்ந்த ஒய்வுதியப் பலன்களை வழங்குமாறு தங்களுக்கு அரசுக் தொழிலரை வழங்கப்படுகிறது.

10. மேல்குறித்து அனைத்து தனிப்பட்ட ஒய்வுதிய கருத்துருக்களின் உண்மைத் தன்மையை சரிபார்ப்பது சம்பந்தப்பட்ட நுகராட்சிகள் / மாநகராட்சிகளின் பொறுப்பாகும் என்று தங்களுக்கு தெரிவித்துக் கொள்கிறேன்.

தங்கள் உண்மையுள்ள

அரசு சபிதக் தலைமைச் செயலாளருக்காக.

4. In view of the above, this writ petition is disposed of and the pension arrears consequent to the order passed by the first respondent dated 08.03.2023 shall be settled to the petitioner within a period of six months from the date of receipt of a copy of this order. No costs.

27.07.2023

(8/10)

dpq

Index : Yes/No

Speaking Order : Yes/No



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J. SATHYA NARAYANA PRASAD, J.



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