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W.P.No.2768 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2023

CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.2768 of 2020
and WMP.No.3222 of 2020

A. Manoharan

... 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
Tharapuram Municipality,
Tharapuram
Thiruppur 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 impugned order issued by the 5th respondent in proceedings Mu.Mu.No.20554/Na.O.Sa(3)/2016 dated 22.09.2016 and the 2nd impugned order issued by the 5th respondent in proceedings Mu.Mu.No.34867/Na.O.Sa(1)/2017 dated 08.09.2017 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 30.04.2016 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 impugned order issued by the 5th respondent in proceedings Mu.Mu.No.20554/2527Na.O.Sa (3)/2016 dated 22.09.2016 and the 2nd impugned order issued by the 5th respondent in proceedings Mu.Mu.No.34867/Na.O.Sa(1)/2017 dated 08.09.2017 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 30.04.2016 with all consequential service and monetary benefits.

2. It is the case of the petitioner that he was initially appointed as NMR (Substitute Worker) on daily wages in the 4th respondent Municipality on full time basis on 15.05.1986. Based on G.O.Ms.No.101 Municipal Administration and Water Supply Department dated 30.04.1997 & G.O.Ms.No.71 Municipal Administration & Water Supply Department dated 05.05.1998, the petitioner was appointed as Sanitary Worker on a



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consolidated pay of Rs.2100/- vide orders of the Commissioner of Tharapuram Municipality dated 18.09.1998 and accordingly he joined in the said post on 23.09.1998. In pursuant to the orders of Commissioner of Municipal Administration dated 24.03.1999, the Commissioner of Tharapuram Municipality issued order dated 13.04.1999 absorbing the petitioner in the sanctioned permanent post of Sanitary Worker by bringing him into regular time scale of pay of Rs.2550-55-2660-3200. The petitioner retired from service on attaining the age of superannuation on 30.04.2016. The 5th respondent 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



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worth extracting.

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9. மேலே பத்தி 8-ல் உள்ள நகராட்சி நிர்வாக தங்களுக்குள்ள செயற்குறிப்பினை அரசு கண்ணைப் பிளிக்கெடுத்து பார்ப்பது ஒன்று முதல் ஐந்து வரை உள்ள அரசாங்கங்களின் அடிப்படையில் பரிசீலனைக்குப் பின் அதனை ஏற்று நகராட்சிகள் / மாநகராட்சிகளில் 30.04.1997-ஆம் தேதிக்குப் பின்னர் தொகுப்பூதியத்தில் பணியில் அமர்த்தப்பட்டு 01.04.2003 தேதிக்கு முன்னர் (அதாவது பூதிய பங்களிப்பு ஒய்வுதிய திட்டம் நடைமுறைப்படுத்தப்பட்ட நான்) பணிவரண்முறைப்படுத்தப்பட்டு முறையான கையிய விதித்ததில் பணிபுர்த்தப்பட்ட 1.779 நகராட்சிப் பணியாளர்கள் மற்றும் 20 மாநகராட்சிகளைச் (பெருநகர சென்னை மாநகராட்சி தீங்ககவக) சேர்ந்த 1859 பணியாளர்களுக்கும் தகுதி வாய்ந்த ஒய்வுதியப் பலன்களை வழங்குமாறு தங்களுக்கு அரசால் தொகையை வழங்கப்படுகிறது.

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

தங்கள் உண்மையுள்ள
2-11-2023
08/03/2023
அரசு சவுதித் தலைமைச் செயலாளருக்காக.
[Signature]

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. Consequently connected miscellaneous petition is also closed.

01.08.2023

dpq
Index : Yes/No
Speaking Order : Yes/No



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