



W.P.No.3163 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.3163 of 2020

M. Muthupandi

... Petitioner

Vs.

1. The Secretary to Government
Municipal Administration & Water
Supply Department,
Fort.St.George,
Chennai – 600 009.
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
Usilampatti Municipality,
Usilampatti,
Madurai 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 3rd respondent in proceedings Mu.Mu.No.014770/Na.O.Sa (5)/2019 dated 12.07.2019 and quash the same 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 his retirement on 31.05.2019 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

ORDER

The present Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus to quash the impugned order issued by the 3rd



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respondent in proceedings Mu.Mu.No.014770/Na.O.Sa(5)/2019 dated 12.07.2019 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 31.05.2019 with all consequential service and monetary benefits.

2. It is the case of the petitioner that he was initially appointed as NMR on daily wages in the 4th respondent Municipality on full times basis on 01.10.1992. Based on G.O.Ms.No.101 Municipal Administration & 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 in the regular post of Sanitary worker on consolidated pay with effect from 05.05.1998. The petitioner was granted regular time scale of pay with effect from 05.11.1999 and he retired from service as Sanitary Worker in Usilampatti Municipality on attaining the age of superannuation on 31.05.2019. The 3rd respondent issued the impugned order refusing to grant pension to the petitioner under the Tamil Nadu Pension Rules 1978.

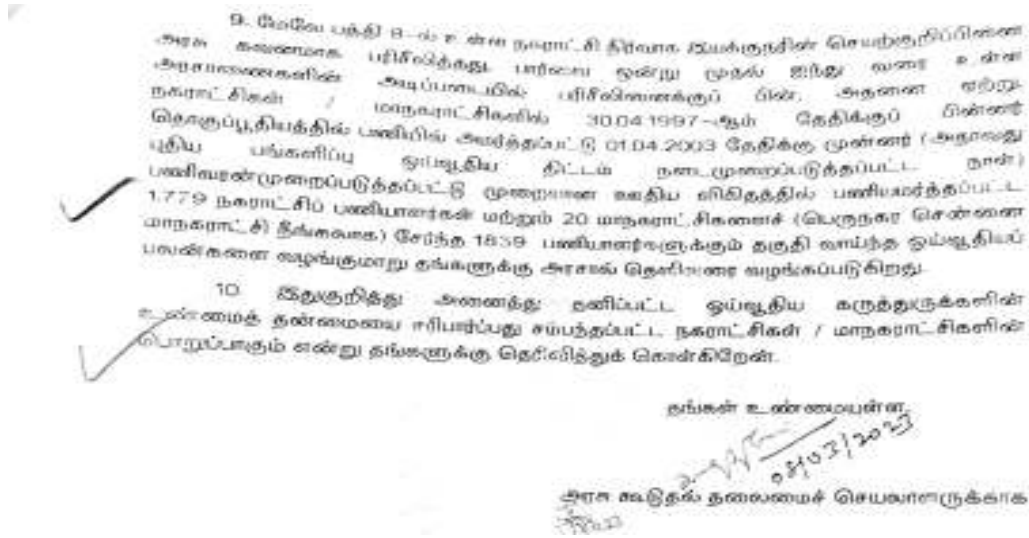


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Hence, the present Writ Petition.

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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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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
(1/10)

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



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J. SATHYA NARAYANA PRASAD, J.

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