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W.P.No.14243 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.14243 of 2023
and W.M.P.No.13789 of 2023

N. Rajamani

... Petitioner

Vs.

1.The Secretary to Government,
Municipal Administration and Water
Supply Department,
Chennai – 600 009.

2.The Director of Municipal Administration,
Chepauk, Chennai – 600 009.

3.The Commissioner of Municipal Administration,
No.78, Urban Administrative Building,
Santhome High Road,
Chennai – 28.

4.The Commissioner of Municipal Corporation,
Dharapuram,
Tiruppur District – 638 656.

5.The Assistant Director of Local Fund Audit,
(Municipal Pension Verification),
Integrated Complex for Finance Department,
Animal Husbandry Hospital Campus,
Nandanam, Chennai – 600 035.

... Respondents



W.P.No.14243 of 2023

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned communication passed by the 6th respondent in proceedings Mu.Mu.No.12962/Na O Sa(1)/2019, dated 13.11.2019 and quash the same as arbitrary and illegal and consequently direct the respondents to grant pensionary and gratuity benefits to the petitioner under the Tamil Nadu Pension Rules, 1978, with interest.

For Petitioner : Mr.M.Harish Kumar

For Respondents : Mr.P.Sanjay Gandhi,
Government Advocate [R1 to R3 & R6]

Mr.B.Anand,
Standing Counsel [R4]

ORDER

Heard the learned counsel for the petitioner, learned Government Advocate appearing for the respondents 1 to 3 & 6 and the learned Standing Counsel for the fourth respondent.

2. The petitioner herein had joined the services of the respondents in June, 1993 and his services were regularized on 23.12.2000, fixing his pay scale at Rs.2550-55-2660-60. Thereafter, he was granted selection grade pay scale.



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3. Through the impugned order dated 13.11.2019, the respondents have taken a stand that the petitioner was wrongly regularized on 23.12.2000 and that he ought to have been regularized only on 23.02.2006, in view of G.O.Ms.No.21, Municipal Administration and Water Supply Department, dated 23.02.2006. The Government, in its letter of clarification dated 08.03.2023, had stated that the employees who were appointed under G.O.Ms.No.125, Municipal Administration and Water Supply Department dated 27.05.1999, would be entitled for regularization from 23.02.2006. Apparently, the impugned order seems to have lost sight of its clarification.

4. As a matter of fact, Rajamani, who was appointed through G.O.Ms.No.125 dated 27.05.1999 and was regularized with effect from 23.12.2000, was deprived of his pensionary benefits. However, one R.Chitra Devi, a widow of late Ravichandran, who was also appointed under G.O.Ms.No.125 dated 27.05.1999, has been granted pensionary benefits, pursuant to the order passed by this Court in WP.No.28299 of 2021, dated 19.04.2022.



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5. The learned Government Advocate appearing for the respondents 1 to 3 & 6, on instructions from the respondents 4 & 5 herein, submitted that they are willing to consider the case of the petitioner and that the fifth respondent would act upon the proposal for payment of pensionary benefits that is to be sent by the fourth respondent.

6. In the light of the above observations and submissions made, the impugned communication in proceedings Mu.Mu.No.12962/Na O Sa(1)/2019, dated 13.11.2019, passed by the sixth respondent, is hereby quashed. Consequently, there shall be a direction to the fourth respondent herein, to forthwith send a proposal for grant of pensionary and other gratuity benefits to the petitioner, under the Tamil Nadu Pension Rules 1978, within a period of two (2) weeks from the date of receipt of a copy of this order. On receipt of such a proposal, the fifth respondent herein, shall forthwith consider the same and pass appropriate orders for disbursement of the pensionary benefits and gratuity, within a period of four (4) weeks from the date of receipt of the said proposal.



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7. With the aforesaid directions, the Writ Petition stands allowed. No costs. Connected miscellaneous petition is closed.

30.06.2023

Index: Yes/No

Speaking/Non-speaking order

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To

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M.S.RAMESH,J.

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