



W.P(MD)No.7835 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7835 of 2023

O.Avudaithai

... Petitioner

Vs.

1.The Secretary to Government,
Municipal Administration & Water
Supply Department,
Secretariate, Chennai – 9.

2.The Director,
Municipal Administration,
Ezhilagam, Chepauk,
Chennai – 5.

3.The Commissioner of Municipal Administration,
Ezhilagam Annexure, Chepauk,
Chennai – 5.

4.The Commissioner,
Sivakasi Municipality,
Sivakasi.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the



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1st respondent to regularize the service of petitioner's husband Late.S.Oorthevan, Filter Bed Operator from the initial date of appointment on 06.10.1999 in Time Scale of Pay as per the Sivakasi Municipal Council Resolution dated 04.10.1999 and also based on the last proposal forwarded by the 4th respondent dated 27.04.2022, that to, after the Death of the petitioner's husband on 21.11.2021 and to grant monetary and service benefits such as Annual Increment, Selection Grade and Special Grade including Family Pension to the petitioner.

For Petitioner : Mr.S.Govindan

For Respondents : Mr.G.Suriyananth,
Addl. Government Pleader for R1 to R3.
Mrs.S.Devasena for R4.

ORDER

Heard the learned counsel on either side.

2.The petitioner's husband / Oorthevan was employed in the fourth respondent municipality. He passed away on 21.11.2021. However, on account of non-regularization of certain periods of service, the terminal



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benefits could not be disbursed. Therefore, the present writ petition came to be filed.

3.I called upon the learned counsel for the municipality to consider for regularizing the period in question. Today, learned standing counsel produced a copy of the proceedings dated 21.06.2023 regularizing the period from 03.12.1999 till 03.12.2000. It was also declared that Oorthevan completed his probation by then. Therefore, there cannot be any impediment for disbursing the terminal benefits. The fourth respondent is directed to prepare the pension proposals and forward the same to the second respondent and the office of the Accountant General. This shall be done within a period of eight weeks from the date of receipt of a copy of this order. The authorities shall sanction the proposal and also ensure that the terminal benefits are disbursed to the petitioner within a period of three months thereafter. I consciously refrain from quantifying the figure. I am only declaring the entitlement of the petitioner. The petitioner shall produce the legal heirs certificate before the fourth respondent to enable the fourth respondent to process the pension papers.



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4.This writ petition is allowed on these terms. No costs.

27.06.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

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Municipal Administration & Water
Supply Department,
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- 2.The Director,
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Ezhilagam, Chepauk,
Chennai – 5.
- 3.The Commissioner of Municipal Administration,
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G.R.SWAMINATHAN, J.

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