



W.P.(MD) No.8239 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2023

CORAM:

THE HONOURABLE Mr.JUSTICE BATTU DEVANAND

W.P.(MD) No.8239 of 2019

P.Arukkani

.. Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep., by its Secretary,
Local Body Department,
Secretariat, Chennai-600 009.

2.The Director,
Directorate of Local Bodies Auditing,
Consolidated Finance Department Office Campus,
4th Floor, Nandhanam, Chennai-600 035.

3.The Commissioner,
Pudukottai Municipality,
Pudukottai & District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus calling for the records on the file of the 2nd respondent in the proceedings in மு.மு.எண். 30680/நடுச(6)/2018 dated 31.12.2018 and to quash the same and consequently directing the respondents to grant the petitioner retirement



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benefits and pension within a stipulated period that may be fixed by this Court.

For Petitioner : Mr.N.Balakrishnan
For RR1 & 2 : Mr.P.Subbaraj
Special Government Pleader
For R3 : Mr.P.Mahendran
Standing Counsel

ORDER

This writ petition has been filed against the proceedings in ஸ்ரீ.ஸ்ரீ.எண்.30680/நடுச(6)/2018, dated 31.12.2018 of the 2nd respondent and for a consequential direction to grant the retirement benefits and pension to the petitioner within a stipulated time.

2. In fact, a counter affidavit has been filed by the 3rd respondent in the month of December, 2020.

3. During the course of hearing today, learned Standing Counsel for the 3rd respondent placed a typed set of proceedings of the 3rd respondent dated 16.08.2023, wherein it is stated that in the letter dated 08.03.2023, the Municipal Administration and Water Supply (Napa 3)



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Department, Chennai, it is decided that 1779 municipal employees, who were regularised before 01.04.2003 and employed on regular rate of pay are eligible for pension. As the petitioner is also one of the employees out of that 1779 employees, the pension proposal of the petitioner and service records of the petitioner are resent to the 2nd respondent for consideration of the payment of pension and other benefits to the petitioner.

4. On careful consideration of the proposal sent by the 3rd respondent to the 2nd respondent *vide* letter in Na.Ka.No.3120/2019/C1, dated 16.08.2023, it is clear that the State Government has taken a policy decision to grant pension to 1779 employees, who were worked in the various Municipalities and whose services were regularised before 01.04.2003 and employed on regular rate of pay.

5. The case of the petitioner also falls under the said policy decision of the State Government and accordingly, the 3rd respondent re-submitted proposal for pension to the petitioner to the 2nd respondent *vide* letter dated 16.08.2023.



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6. In view of the above, in my considered opinion, no further adjudication is required with regard to the impugned order.

7. In the light of the proposal sent by the 3rd respondent to the 2nd respondent with regard to the pension to the petitioner, it is appropriate to dispose of this writ petition with a direction to the 2nd respondent to consider the proposal of the 3rd respondent within a stipulated time to meet the interest of justice, considering the age of the petitioner.

8.1. Accordingly, this Writ Petition is disposed of with a direction to the 2nd respondent to consider and take action on the proposal re-submitted by the 3rd respondent to sanction pension to the petitioner within a period of four weeks from today.

8.2. No costs.

30.08.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes
abr



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WEB COPY

To

- 1.The Secretary to Government,
State of Tamil Nadu,
Local Body Department,
Secretariat, Chennai-600 009.
- 2.The Director,
Directorate of Local Bodies Auditing,
Consolidated Finance Department Office Campus,
4th Floor, Nandhanam, Chennai-600 035.
- 3.The Commissioner,
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BATTU DEVANAND, J.

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