



**W.P.(MD).No.16910 of 2020**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 18.07.2023**

**CORAM**

**THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

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- 1.V.Karupasamy
- 2.K.Padmanaban
- 3.L.Sethuraman
- 4.M.Kandhasamy
- 5.P.Janakar
- 6.R.Gandhimathi
- 7.A.Visalatchi
- 8.S.Palanisamy
- 9.K.Chandran
- 10.G.Vellaiyappan
- 11.P.Perumal
- 12.A.Shanmugavelu
- 13.R.Gunasekaran
- 14.M.Kaliammal

... Petitioners

**Vs.**

- 1.The Commissioner of Municipal Administration,  
75, Santham High Road, Raja Annamalaipuram,  
Chennai.
- 2.The Director of Local Fund Audit,  
Combined Finance Department Complex,  
Nandanam, Chennai.
- 3.The Assistant Director,  
Office of the Local Fund Audit,  
Nachinadar Street, Virudhunagar.



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4.The Commissioner,  
Sattur Municipality, Sattur,  
Virudhunagar District.

... Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to make payment of the 5<sup>th</sup> Pay Commission arrears for the period from 01.06.1988 to 31.05.1989 and also 60% of the 6<sup>th</sup> Pay Commission arrears to the petitioners with due interest accrued thereon till the payment is made.

For Petitioners : M/s.Mahalakshmi

For R-1 to R-3 : Mr.N.Muthuvijayan  
Special Government Pleader

For R-4 : Mr.K.P.Krishnadoss

### **ORDER**

The present writ petition is filed seeking direction to the respondents to make payment of the 5<sup>th</sup> Pay Commission arrears for the period from 01.06.1988 to 31.05.1989 and also 60% of the 6<sup>th</sup> Pay Commission arrears to the petitioners with due interest accrued thereon till the payment is made.

2. Heard the learned Counsel for the petitioner and the learned Special Government Pleader for the respondents and carefully perused the materials available on record.



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3. The learned Counsel for the petitioner submitted that though the respondents have reiterated several times that appropriate amount has been paid and the calculation has also been furnished to them, the said exercise has not been done. So far, the petitioners are kept in dark as to how the amount which is being claimed to have been paid is calculated.

4. Per contra, the learned Counsel for the fourth respondent Municipality would submit that already the arrears in 5<sup>th</sup> and 6<sup>th</sup> Pay Commission has been paid and for which, he has also produced a statement of payment and he fairly conceded that the interest amount is not yet paid, for which, the petitioners have to furnish a calculation memo.

5. However, the learned Counsel for the petitioner claimed that whatever calculation memo which they would submit may not be accepted by the fourth respondent and hence, the duty is cast on the fourth respondent to calculate appropriately on the supervision of the third respondent and arrive at an appropriate amount and make payment to the petitioners in accordance with law.



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6. This contention of the petitioner seems to be reasonable and this Court is inclined to direct the fourth respondent to calculate the interest as to the amount which has been paid under the supervision of the third respondent and arrive at a final amount as far as each and every petitioner is concerned and thereafter make payment within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7. With the above said observation, this writ petition stands disposed of.  
There shall be no order as to costs.

**18.07.2023**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes  
BTR

To

1.The Commissioner of Municipal Administration,  
75, Santham High Road, Raja Annamalaipuram,  
Chennai.

2.The Director of Local Fund Audit,  
Combined Finance Department Complex,  
Nandanam, Chennai.



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3.The Assistant Director,  
Office of the Local Fund Audit,  
Nachinadar Street, Virudhunagar.

4.The Commissioner,  
Sattur Municipality, Sattur,  
Virudhunagar District.

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