



W.P.No.4364 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.4364 of 2022

K.Sudhakaran

...Petitioner

-Vs-

1.The Government of Tamil Nadu,
Rep. by the Secretary to Govt.,
Municipality & Water Supplies Department
Fort St. George, Chennai.

2.The Assistant Director,
Auditing (Panchayat & Municipalities)
Kuralagam, 4th Floor,
Chennai

3.The Commissioner of Municipalities
Koothanallur Municipality
Thiruvavarur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to grant revised terminal benefits as per the recommendation of VII Pay Commission along with interest @ 12% w.e.f. 01.05.2016.



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For Petitioner : M/s.T.Aananthi
For R1 & R2 : Mrs.R.L.Karthika
Government Advocate
For R3 : Mrs.T.P.Kuilmozhi

ORDER

This Writ Petition has been filed for a direction directing the respondent to grant revised terminal benefits as per the recommendation of VII Pay Commission along with applicable interest.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner had rendered service in the office of the third respondent and he was allowed to retire from service on 30.04.2016. However, he was not paid any terminal benefits and pension. Therefore, the petitioner filed a writ petition before this Court in W.P.No.14507 of 2018. This Court passed an order to consider the case of the petitioner and thereby, by an order dated 19.07.2018, the petitioner was granted benefits. The petitioner was granted terminal benefits calculating his pay as per V Pay Commission. According to the petitioner, he should have granted pay as per



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recommendation of the VII Pay Commission and he also sought for interest from 31.05.2016.

4. A perusal of the counter filed by the third respondent and the submission made by the third respondent reveals that the service of the petitioner was regularised by an order dated 27.06.2017, i.e., after his retirement. Further, a perusal of the records revealed that the petitioner was appointed as NMR Pump Mechanic on daily wages on 30.11.1986. Thereafter, he was ousted from service for want of vacancy. Between the period of 03.07.2000 and 02.07.2001, he had served on consolidated pay and thereafter, he was given time scale of pay from 03.07.2001. It is further revealed that due to COVID-19, the request made by the petitioner was not processed in time and as such, there was a delay. Further the terminal benefits were already calculated by the VII Pay Commission.

5. In view of the above, the respondents are directed to consider the representation submitted by the petitioner insofar as his interest alone and pass appropriate orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. It is also made clear



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that if the benefits of the petitioner were not in accordance with the VII Pay

Commission, the petitioner is at liberty to submit a fresh representation and the same may be considered on merits and in accordance with law.

6. With the above direction, this Writ Petition stands disposed of.

No costs.

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(2/2)

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

Neutral Citation : Yes/No

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To

1.The Secretary to Government,
Government of Tamil Nadu,
Municipality & Water Supplies Department
Fort St. George, Chennai.

2.The Assistant Director,
Auditing (Panchayat & Municipalities)
Kuralagam, 4th Floor,
Chennai

3.The Commissioner of Municipalities
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G.K.ILANTHIRAIYAN. J,

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