



W.P.No.8703 of 2021

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.03.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.8703 of 2021

R.Mani

... Petitioner

Vs.

1.The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai.

2.The Zonal Officer,
Zonal Office No.VII,
Corporation of Chennai,
Valluvar Kottam Backside,
Nungambakkam, Chennai.

3.The Commissioner,
Greater Chennai Corporation,
General Department (Pension Section),
Chennai.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to recalculate the retirement benefits of the petitioner vide proceedings in



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No.Pub.Thu.Na.Ka.No.B7/41443/2018 dated 28.12.2018 by providing correct revised scale of pay and for interest for belated payment of retirement gratuity by considering his representation dated 20.12.2019.

For Petitioner : Mr.K.Myilsamy

For Respondents : Mr.R.Gopinath, Standing Counsel

ORDER

This Writ Petition has been filed for the issuance of a Writ of Mandamus, to direct the respondents to recalculate the retirement benefits of the petitioner vide proceedings in No.Pub.Thu.Na.Ka.No.B7/41443/2018 dated 28.12.2018 by providing correct revised scale of pay and for interest for belated payment of retirement gratuity by considering his representation dated 20.12.2019.

2. Heard Mr.K.Myilsamy, learned counsel for the petitioner and Mr.R.Gopinath, learned Standing Counsel for the respondents.

3. The petitioner was appointed as a Garden Worker in the respondent Corporation and he was also made permanent. Though the petitioner rendered more than thirty seven years of service, the respondent has not revised the pay scale of the petitioner. Therefore, the petitioner has filed a Writ Petition in W.P.No.15983 of 2011 to direct the



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respondents to give due promotion, earned leave benefits, fixing the correct pay scale to the petitioner on completion of twenty and thirty years of service.

4. During the pendency of the Writ Petition, the petitioner got retired from service. Hence, the said Writ Petition was disposed. However, there is no order on merit as to the claim made by the petitioner in respect of his promotion, leave benefits and fixation of pay on his completion of thirty years of service on par with other workers.

5. Had this exercise was done atleast at the time of issuing the proceedings for disbursing the retirement benefits, the petitioner would not have got an occasion to file another Writ Petition. However, now the petitioner's representation is pending with the respondents. Hence, the respondents can consider the same and pass orders in respect of the claim made by the petitioner and issue proceedings if the petitioner is found to be eligible for the claim made by him and revise the pension accordingly.

6. In the result, this Writ Petition is disposed and the respondents are directed to consider the representation of the petitioner dated



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20.12.2019 and pass orders in respect of the claim made by the petitioner and issue proceedings, if the petitioner is found to be eligible for the claim made by him and revise his pension accordingly, within a period of six weeks from the date of receipt of a copy of this order. No costs.

Index : Yes /No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk

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To

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R.N.MANJULA, J.

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