



W.P.(MD) No.18751 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.18751 of 2018

and

W.M.P.(MD) No.16588 of 2018

P.S.Anthony Dass

... Petitioner

-vs-

1.The Commissioner
Municipal Administration
Ezhilagam, Chepauk, Chennai-5

2.The Regional Director
Municipal Administration
Madurai

3.The Commissioner
Kodaikkanal Municipality
Kodaikkanal, Dindigul District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the entire records pertaining to the impugned order passed by the third respondent in his proceedings in Na.Ka.No.5931/2016/C1, dated 24.11.2017 and quash the same as illegal arbitrary and consequently direct the third respondent to give the entire pension benefits and grant pension to the petitioner.



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For Petitioner : Mr.B.Vinoth Kumar

For Respondents : Ms.D.Farjana Ghoushia
Special Government Pleader for R1 & R2
Mr.T.S.Mohamed Mohideen
Standing Counsel for R3

ORDER

This writ petition has been filed challenging the order, dated 24.11.2017, passed by the third respondent, rejecting the petitioner's request for grant of pensionary benefits pursuant to his retirement from the third respondent – Municipality.

2. It is brought to the notice of this Court by both the learned counsel for the petitioner as well as the learned Standing Counsel appearing for the third respondent – Municipality that by order, dated 24.02.2020, passed in W.P.(MD) Nos.11357 of 2015 and 23167 of 2019 filed by the petitioner herein and other similarly placed persons challenging the recovery proceedings initiated by the respondents in respect of the alleged excess payments made to them by the respondents, the said writ petitions came to be allowed and the recovery orders were quashed.



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3. Learned counsel for the petitioner would now submit that in view of quashing of the recovery orders, the petitioner is now entitled for payment of his pensionary benefits as prayed for in this writ petition.

4. Learned Standing Counsel appearing for the third respondent – Municipality would submit that a direction may be issued to the petitioner to submit a fresh representation seeking for payment of pensionary benefits in the light of the order, dated 24.02.2020, passed by this Court in W.P.(MD) Nos.11357 of 2015 and 23167 of 2019 and to the respondents to consider the same on merits and in accordance with law, within a time frame to be fixed by this Court.

5. No prejudice will be caused to the respondents, if such a direction is issued.

6. Accordingly, this writ petition is disposed of by quashing the impugned order, dated 24.11.2017, passed by the third respondent, and by directing the petitioner to give a fresh representation to the third respondent seeking for pensionary benefits in the light of the order dated 24.02.2020, passed by this Court in W.P.(MD) Nos.11357 of 2015 and 23167 of 2019,



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within a period of two weeks from the date of receipt of a copy of this order and by directing the third respondent, on receipt of the said representation, to pass final orders on merits and in accordance with law, in the light of the aforesaid decision dated 24.02.2020 in W.P.(MD) Nos.11357 of 2015 and 23167 of 2019, within a period of three months thereafter. No costs. Consequently, connected miscellaneous petition is closed.

24.09.2024

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

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To:

1.The Commissioner,
Municipal Administration,
Ezhilagam, Chepauk,
Chennai-5.

2.The Regional Director,
Municipal Administration,
Madurai.



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ABDUL QUDDHOSE, J.

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