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Court : Chennai Madurai

Decided On : Oct-29-2015

Judge : T. Raja

Appeal No. : W.P.(MD).No. 19534 of 2015

Appellant : N. Ilango and Others

Respondent : The Secretary to Government, Municipal Administration and Water Supply Department, Secretariat, Chennai and Others

Judgement :

(Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the second respondent to consider the proposal of 3rd respondent made in Na.Ka.No.7168/2012/C1/ dated 01.06.2015 and extend the benefit of Old pension scheme to the petitioners.)

1. This Writ Petition has been filed by 15 petitioners seeking for issuance of a Writ of Mandamus directing the second respondent/Commissioner of Municipal Administration,Chepauk,Chennai, to consider the proposal of 3rd respondent/Commissioner,Sivakasi Municipality,Virudhunagar District made in

Na.Ka.No.7168/2012/C1/ dated 01.06.2015 and extend the benefit of old pension scheme to the petitioners.

2. The petitioners were appointed through the employment exchange in the available vacancy at the 3rd respondent corporation on daily wages basis. Subsequently, as they were denied employment and as there was break in service, they approached the learned Tamil Nadu Administrative Tribunal, by filing O.A.Nos.4618 to 4628 of 2011 and the same was allowed by order dated 05.10.2001 on the basis of the letter dated 14.01.2000 which states that the petitioners have been taken back to duty and they will also be regularized in future. The further grievance of the petitioner is that as the petitioners are not regularized, they made a representation and on the basis of the representation, a proposal has been sent by the 3rd respondent, which has not been considered. Hence, the petitioners have come to this Court.

3. It is relevant to extract the order made in O.A.Nos.4610 to 4628 of 2001 dated 05.10.2001 passed by the Tamil Nadu Administrative Tribunal:-

Mrs.Malarvizhi Udayakumar, Standing Counsel representing for respondents 1 and 3 and on behalf of Mr.N.S.Nandakumar who has filed vakalat for 2nd respondent viz., Commissioner, Sivakasi Municipality has produced a letter of the 1st respondent in Ref.No.29251/Na.Pa.3/99-1 dated 14.1.2000 and states that as per this letter dated 14.01.2000, the petitioners have been taken back to duty and they will also be regularized in future.

2. In the circumstances, the submission of Mrs.Malarvizhi Udayakumar, standing counsel is recorded, and the second respondent is directed to implement the order in the Government letter and the above representation made by the standing counsel as early as possible, as and when vacancies are available. The O.As., are ordered as above. ?

4. In the light of the above, since the proposals have been sent on 01.06.2015, the respondents 1 and 2 are hereby directed to consider the proposals and pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

5. With the above directions, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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