

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04-09-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.27974 of 2015

- 1.A.Sampath
- 2.S.B.Ananda Vinayagam
- 3.B.Swaminathan
- 4.K.Thennavan
- 5.R.Muralitharan
- 6.K.Chinnasamy
- 7.N.R.Narayanan
- 8.V.Nithiyanandham
- 9.V.S.Ramachandran
- 10.R.Moorthy
- 11.A.C.Karunanidhi
- 12.G.Purusothaman
- 13.N.Muthuvelan

... Petitioners

Vs

1. The Government of Tamil Nadu
Rep. By its Principal Secretary
to Government
Rural Development & Panchayat
Raj Department
Fort St. George, Chennai 600 009
2. The Principal Secretary to
Government of Tamil Nadu
Finance Department
Fort St. George, Chennai 9
3. The Commissioner of Rural
Development and Panchayat Raj
Panagal Buildings, Saidapet
Chennai 600 015
4. The Principal Accountant General (A & E)
Tamil Nadu, No.361, Anna Salai
Chennai 600 018
5. The District Collector
(Rural Development Section)
Vellore, Vellore District 9.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to implement G.O.Ms.No.39, Rural Development and Panchayat Raj Department, dated 13.6.2011, granting pensionary benefit to the petitioners.

For Petitioners : Mr.R.Margabandhu

For Respondents : Mr.S.Gunasekaran
Government Advocate
for RR1 to 3 and 5

Mr.V.Vijayashankar for R4

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The deponent of the affidavit, who is the first petitioner, would state that all of them were appointed as Part Time Clerks in the services of the local body on consolidated pay and subsequently, their services were regularised and however, pensionary benefits have not been conferred on them on the ground that their period of regular service is less than 10 years and the petitioners, in this regard, have submitted individual representation to the respondents stating among other things, that in terms of G.O.Ms.No.39, Rural Development and Municipal Administration (E5) Department, dated 13.6.2011, 50% of the past services have to be taken into consideration for the purpose of conferring permanent benefits and therefore, prayed for appropriate orders and since no response is forthcoming, they came forward to file this writ petition.

3.Heard the submissions of Mr.R.Margabandhu, learned Counsel appearing for the petitioners, who would submit that very many writ petitions have been filed and the orders passed in the writ petitions, have also been implemented in G.O.Ms.Nos.77, 80 and 85 of the same Department, dated 12.7.2013, 25.9.2013 and 18.11.2013 respectively, and this Court, in similar facts and circumstances, has also passed orders dated 27.6.2014 and 27.8.2014, in W.P.Nos.23847/2013 and 2697/2014 respectively, by directing the concerned respondent therein to take into consideration the above cited Government Orders and pass orders and hence, prays for similar relief.

4.The Court heard the submissions of Mr.S.Gunasekaran, learned Government Advocate, who accepted notice on behalf of the respondents 1 to 3 and 5, and Mr.V.Vijayashankar, learned Standing Counsel, who accepted notice on behalf of the fourth respondent, also.

5.This Court, in the light of the facts and circumstances, directs the first respondent to consider the petitioners' representations dated 14.8.2015, 17.8.2015, 19.8.2015, 20.8.2015 and 21.8.2015 respectively, on merit and in accordance with law and pass orders thereon within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioners. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

nsv

To:

1. The Principal Secretary to Government
Rural Development & Panchayat
Raj Department
Fort St. George, Chennai 600 009
2. The Principal Secretary to
Government of Tamil Nadu
Finance Department
Fort St. George, Chennai 9
3. The Commissioner of Rural
Development and Panchayat Raj
Panagal Buildings, Saidapet
Chennai 600 015
4. The Principal Accountant General (A & E)
Tamil Nadu, No.361, Anna Salai
Chennai 600 018
5. The District Collector
(Rural Development Section)
Vellore, Vellore District 9.

+1cc to Mr.R.Margabandhu, Advocate, S.R.No.48207
+1cc to the Government Pleader, S.R.No.48270

W.P.No.27974 of 2015

GJ(CO)
CA(24/09/2015)