

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.29100 of 2015

Dr.K.Ramesh

.. Petitioner

- Vs -

1. The Regional Joint Director,
Animal Husbandry Department,
Kancheepuram.
2. The Director,
Directorate of Animal Husbandry
& Veterinary Service,
Chennai.
3. The Assistant Director of Animal
Husbandry Department,
Directorate of Animal Husbandry
& Veterinary Service
Chittalapakkam, Chennai - 6

... Respondents

Prayer:- Writ Petition has been filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents to disburse all the retirement benefit withheld by the respondents by considering petitioner's representations dated 07.06.2001 and 03.04.2003.

For Petitioner : Mr.R.Marudhachalamurthy

For Respondents : Mr.S.Gunasekaran
Government Advocate

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O R D E R

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

2. The petitioner came to be appointed as Livestock Inspector Grade -II on 01.11.1966 and got promoted in the same designation as Grade-I on 31.12.1987 and claims to have rendered

sincere and unblemished service till attaining the age of superannuation on 31.01.2001. It is stated by the petitioner that G.O.Ms.No.731 dated 28.03.1981 was passed by the Animal Husbandry Department and as per the said order, 10 seats are reserved for Livestock Inspectors working in the Animal Husbandry Department to undergo B.V.Sc. degree course every year at their own cost and subsequently G.O.Ms.No.307, dated 11.03.1987 was issued by the same Department and as per the said G.O., two livestock inspectors working in the Animal Husbandry Department be deputed to B.V.Sc. degree course every year for a period of five years with full pay and dearness allowance subject to certain conditions and there was further exemption from payment of tuition fees also. The petitioner undergone B.V.Sc. degree course along with Mr.M.Santhanam and Mr.M.Ramu and they both have approached the Tamil Nadu Administrative Tribunal by filing O.A.Nos.3135 and 3138 of 1994 respectively praying for extension of concession of full pay and allowances to them for the study period of five years and it was allowed and in connection with the same, G.O.Ms.No.70, dated 17.04.1998 was issued by the above said department. The petitioner would state that he completed six semesters within five years and thereafter submitted a representation dated 23.05.1997, praying for extension of time to complete the B.V.Sc. course, but it was not considered and thereafter he rejoined the services and continued in service till he attained the age of superannuation and also got his degree on 13.07.2007. The petitioner would state that the first respondent has passed an order dated 30.01.2001 for recovery of salary paid in excess for the period from 07.10.1997 to 14.10.1998 from the DCRG and the same was put to challenge in O.A.No.2276 of 2001 before the Tamil Nadu Administrative Tribunal and it was rejected. Subsequently, the petitioner approached the Government seeking similar relief extended to similarly placed persons and since no response is forthcoming, came forward to file this writ petition.

3. The Court heard the submissions of the learned counsel appearing for the petitioner and Mr.S.Gunasekaran, learned Government Advocate accepts notice on behalf of the respondents 1 to 3.

4. Though the petitioner prays for a larger relief, this Court in the light of the fact and circumstances of the case, without going into the merits of the same, directs the petitioner to submit one more representation to the second respondent by enclosing a copy of this order as well as copies of his earlier representations, within a period of two weeks from the date of receipt of a copy of this order and the second respondent on receipt of the same, is directed to consider the said representation on merits and in accordance in law as well

as in the light of G.O.Ms.No.70, dated 17.04.1998 and G.O.Ms.No.10, dated 07.01.2010 and pass orders within a further period of ten weeks thereafter and communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Regional Joint Director,
Animal Husbandry Department,
Kancheepuram.
2. The Director,
Directorate of Animal Husbandry &
Veterinary Service,
Chennai.
3. The Assistant Director of Animal
Husbandry Department,
Directorate of Animal Husbandry
& Veterinary Service
Chittalapakkam, Chennai - 6.

+1cc to M/s.M. Marudachalamurthy, Advocate, S.R.No.50619
+1cc to the Government Pleader, S.R.No.50568

PPA(CO)
EU(04/11/2015)

सत्यमेव जयते

W.P.No.29100 of 2015

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