

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.31594 of 2015

T.Manickam

...Petitioner

Vs.

- 1 The Government of Tamil Nadu
Rep. by its Secretary to Government
Handlooms Handicrafts Textiles and Khadi
Department Fort.St.George Chennai-09.
- 2 The Commissioner of Sericultur
Salem District Salem-631 001.
- 3 The Assistant Director of
Sericulture Uthanapalli Post Hosur Taluk
Krishnagiri District-635 119.Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the Respondents to treat the period of his absence from 02.05.1997 to 11.01.2009 as continuous service for the purpose of notional fixation of his pay for the purpose of calculation of pension and other retirement benefits alone without any arrears of pay for the above period.

For Petitioner : Mr.R.Rengaramanujam

For Respondents : Mr.R.Vijayakumar
Additional Government Pleader

O R D E R

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

2.The petitioner was working as Practical Sericulturist in the office of the Assistant Director of Sericulture, Uthanapalli Post and was permitted to retire from service on attaining the age of superannuation on 31.07.2014 vide proceedings of the third respondent.

3.The grievance expressed by the petitioner is that though in W.P.No.19926 of 2008, this Court has rejected the contention of the respondents that the petitioner was absent on his own volition from 02.05.1997 with further direction to regularise the service from 22.10.1979 to 01.05.1997, the same has not been considered and in this regard, he has submitted very many representations to treat the period of alleged absence from 02.05.1997 to 11.01.2009 for notional fixation of pay without any arrears of pay for the purpose of calculation of pension and conferment of other retirement benefits, but no orders have been passed and hence, came forward to file this writ petition.

4.Heard the submissions of Mr.R.Rengaramanujam, learned counsel appearing for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader who accepts notice on behalf of the respondents.

5.Though the petitioner prayed for the larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the same, permits the petitioner to submit one more representation to the first respondent by enclosing a copy of this order as well as a copy of the earlier representations dated 13.06.2012 and 03.08.2012 within a period of two weeks from the date of receipt of a copy of this order and the first respondent on receipt of the same is directed to consider and dispose of the same, on merits and in accordance with law and pass orders within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

6.The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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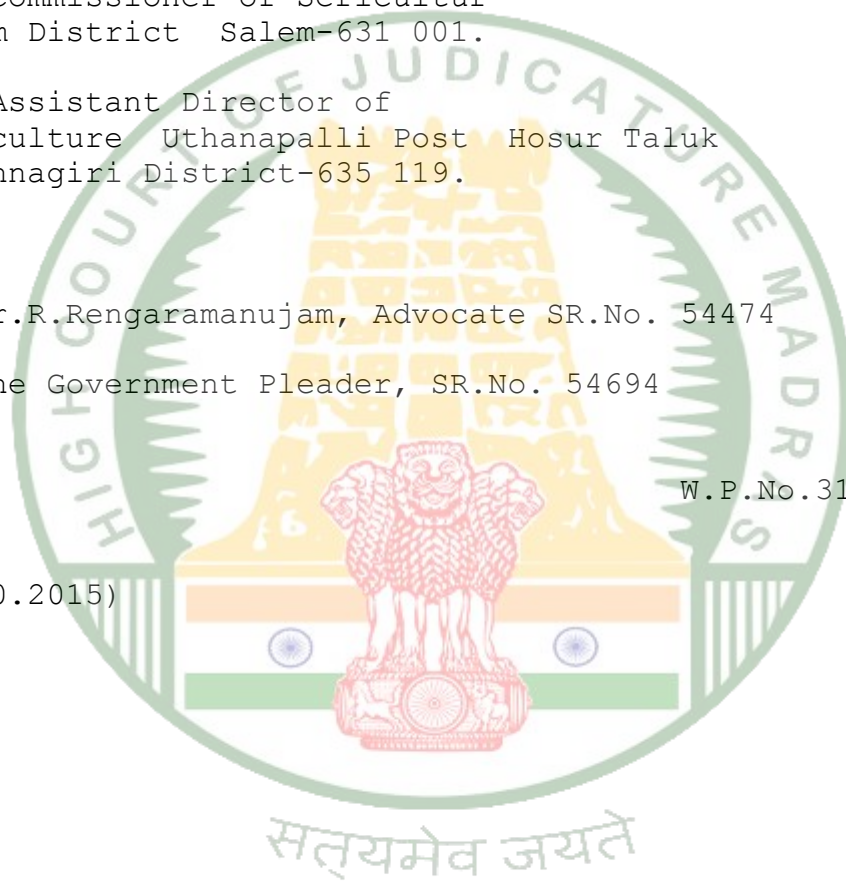
- 1 The Secretary to Government
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1 CC to Mr.R.Rengaramanujam, Advocate SR.No. 54474

1 CC to the Government Pleader, SR.No. 54694

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SK (CO)
PSI (26.10.2015)



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