

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :26.02.2015

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

Writ Petition No.25729 of 2013
and
MP.No.01 of 2015

R.J.Theophilus selvaraj

.. Petitioner

Vs.

1. Accountant General
Office of the Principle Accountant General
(Accounts and Entitlements) Tamil Nadu
No.361, Anna Salai, Chennai - 18

2. The Director of School Education
DPI Compound, College Road,
Nungambakkam, Chennai -6

3. The Head Master
Government Higher Secondary School
Kathivakkam, Chennai -57

..Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of mandamus directing the first respondent to count past services rendered in the Vijayantha Senior Secondary School HVF Estate, Avadi, Chennai - 54 (period of 7 years from 18.8.1980 to 30.6.1987) as per petitioner's representation dated 06.9.2013.

For Petitioner : Mr.M.Thamizhavel

For R1 : Mr.V.Vijay Shankar

For R2 and R3 : Mr.M.S.Ramesh
Additional Government Pleader

O R D E R

The petitioner initially worked as Physical Educational Teacher in Vijayantha Senior Secondary School, HVF, Avadi, Chennai-54. The appointment was made on 18.8.1980. The petitioner served there for a period of 7 years from 18.8.1980 to 30.6.1987. Thereafter, he was appointed as teacher in the Tamil Nadu Government service.

2. The grievance of the petitioner is that while counting total service, his earlier service rendered in Vijayantha Senior Secondary School from 18.8.1980 to 30.6.1987 was not taken into

account. The petitioner submitted a representation on 06.9.2013 requesting the respondents to count his earlier services and pay him the applicable benefits. Since there was no follow up action taken, the petitioner is before this Court.

3. The first respondent has filed a counter affidavit wherein it was contended that the third respondent has sent a proposal to count the service from 18.8.1980 to 30.6.1987. Since the proposal was returned by the first respondent with query as to whether the petitioner is entitled to get pension as governed by CCS (Pension) Rules, 1972, it is for the second respondent to take a decision in the matter.

4. The second respondent is directed to consider the representation submitted by the petitioner on 06.9.2013 for the purpose of counting his earlier services from 18.8.1980 to 30.6.1987. The representation should be considered in the light of the relevant regulations. Such exercise shall be completed within a period of two months from the date of receipt of a copy of this order. The first respondent is directed to take further action, pursuant to the proposal made by the second respondent.

5. The writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. Accountant General
Office of the Principle Accountant General
(Accounts and Entitlements) Tamil Nadu
No.361, Anna Salai, Chennai - 18

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1 cc to Mr.S.Balaji, Advocate, SR.No.11009
1 cc to Mr.V.Vijay Shankar ,Advocate, SR.No.10879
1 cc to Mr.M.Thamizhavel ,Advocate, SR.No.10824
1 cc to Government Pleader, Sr.No10838

W.P.No.25729 of 2013