

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.07.2016

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

WP.No.25468 of 2016

WMP.No.21789 of 2016

N.Theepanjan
Petitioner

Vs

1.The Director, Local Administration Department
Puducherry

2.The Commissioner, Bahour Commune Panchayat
Bahour, Puducherry
Respondents

Prayer:- This Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the Respondents to grant pension to the Petitioner on the basis of the total period of service rendered by him with arrears from the date of retirement along with interest.

For Petitioner : Mr.V.Ajaya Kumar

For Respondents : Mrs.B.ReenaIswariya, AGP(P)

ORDER

This Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the Respondents to grant pension to the Petitioner on the basis of the total period of service rendered by him with arrears from the date of retirement along with interest.

2. This court heard the learned counsel on either side and also perused the materials placed on record.

3. According to the Petitioner, he had worked on daily rated basis for a period of 2 years 4 months 9 days. But, as per the pension rules, he is entitled to get 50% of the service rendered on daily rated basis, along with the total period of regular services, while calculating the pension and the total period of regular service rendered by him comes to 10 years 4 months 13 days. He served on daily rated basis for a period of 6 years 6 months and 15 days and hence, he is entitled to 50% of the same i.e. 3 years 3 months 7 ½ days to be taken for the purpose of pension and even though he is legally entitled to the same, in spite of his representation, so far he has not been granted the pension. Hence, this Writ Petition has been filed.

4. The learned Additional Government Pleader for the Respondents would contend that even as per the letter dated 13.7.2005, given by the Petitioner, he worked only for 9 years and therefore, he is not eligible.

5. As rightly pointed out by the learned counsel for the Petitioner, whether the inclusion of 50% of the services put on daily rated basis should be included for pension has to be decided by the concerned authority. Since the Petitioner had worked on daily rated basis for a period of more than 10 years as per the petitioner, the representation of the Petitioner dated 13.7.2005 shall be disposed of by the concerned authority, after giving opportunity to the Petitioner, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, the connected MP is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To:

1.The Director, Local Administration Department, Puducherry

2.The Commissioner, Bahour Commune Panchayat, Bahour, Puducherry.

+1 cc to Mr.V.Ajayakumar, advocate,sr.41421

+1 cc to Govt.Pleader,sr.41671.

ctk(co)
krd 9/8

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सत्यमेव जयते

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