

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH
Writ Petition No.32894 of 2016

C.Mani

... Petitioner

vs.

1. The Chairman,
Tamil Nadu Generation and
Distribution Corporation,
No.144, Anna Salai,
Chennai-2.
2. The Chief Engineer / Personnel,
Tamil Nadu Generation and
Distribution Corporation,
No.144, Anna Salai,
Chennai-2.
3. The Superintending Engineer,
Mettur Electricity Distribution Circle,
Tamil Nadu Generation and
Distribution Corporation,
Mettur Dam-1, Salem District. ... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to consider the representations of the petitioner dated 22.2.2007, 6.10.2008 and 4.8.2016 for the payment of pension taking into consideration of service of the petitioner from continuous service from 1.2.1995 to 4.4.2005.

For Petitioner : Mr.S.Doraisamy

For Respondents : Mr.P.R.Dhilip Kumar

ORDER

By consent, the main writ petition itself is taken up

for final disposal.

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondents to consider his representations dated 22.2.2007, 6.10.2008 and 4.8.2016 for payment of pension taking into consideration his continuous service from 1.2.1995 to 4.4.2005.

3. It is the case of the petitioner that he joined in the respondent corporation as Contract labour in the year 1982. After serving 13 years, on 1.2.1995 he was absorbed as a permanent employee and posted as a Helper. On 8.10.1998, while attending duty, he fell down from a post and in that accident, his hip bones were broken. On 4.4.2005, he was examined by the medical board and found completely and permanently incapacitated for further service. Based on the report of the medical board, the third respondent passed an order dated 12.5.2005 permitting the petitioner to retire from service on medical invalidation with effect from 4.4.2005. Consequently, the Assistant Engineer passed an order dated 20.5.2005 relieving him from service with effect from 4.4.2005. While he was undergoing treatment, he submitted an application for medical leave from 25.7.2002. But, the third respondent neither granted leave nor refused to grant leave. However, the Executive Engineer, by order dated 26.12.2005, treated his leave without salary. Further, on 23.1.2006, the third respondent passed an order granting all the benefits, except pension and the petitioner's request for pension was denied. The fact remains, he retired from service only on 4.4.2005 and he was on continuous medical treatment from 25.7.2002 to 3.4.2005. Explaining all these facts, the petitioner made representations dated 22.2.2007, 6.10.2008 and 4.8.2016 to the respondents requesting pension. Since the same was not considered so far, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioner and the learned counsel, who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim projected by the petitioner, this Court directs the second respondent to consider the representation of the petitioner dated 4.8.2016 seeking pension and pass appropriate orders, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. The writ petition is disposed of

accordingly. No costs.

Sd/-
Assistant Registrar(AS)

//True Copy//

Sub Assistant Registrar

To

1. The Chairman,
Tamil Nadu Generation and
Distribution Corporation,
No.144, Anna Salai,
Chennai-2.
2. The Chief Engineer / Personnel,
Tamil Nadu Generation and
Distribution Corporation,
No.144, Anna Salai,
Chennai-2.
3. The Superintending Engineer,
Mettur Electricity Distribution Circle,
Tamil Nadu Generation and
Distribution Corporation,
Mettur Dam-1, Salem District.

+1 cc to Mr.S.Doraisamy, Advocate SR.53403

W.P.No.32894 of 2016

CO (NR)
CP 21/10/2016

सत्यमेव जयते

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