

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.37142 of 2016

D.Thiyagarajan

... Petitioner

Vs

1.Government of Tamil Nadu,
rep.by its Secretary,
Education Department,
Fort St.George,
Chennai-600 009

2.Director of School Education,
College Road, Nungambakkam,
Chennai-600 006

3.The Chief Educational Officer,
Vellore, Vellore District

4.The District Educational Officer,
Cheyyar, Tiruvannamalai District. ... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondent to consider and pass orders on the petitioner's representation, dated 29.03.2016, in regard to count the petitioner's earlier service from 2.11.1973 to 7.3.1974 for the purpose of grant of full pension.

For Petitioner :Mr.V.Thirupathi

For Respondent :Mr.V.Ananthamoorthy,
Addl. Govt. Pleader (Education)

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 and pass orders on his representation dated 29.03.2016, in

regard to count his earlier service from 2.11.1973 to 7.3.1974 for the purpose of grant of full pension.

3. It is the case of the petitioner that originally, he was appointed as Graduate Assistant under 10(a)(i) of the General Rules for Tamil Nadu State and Subordinate Service in Government High School, Vallam, Vellore North Arcot District from 2.11.1973 to 7.3.1974. His service was terminated with effect from 8.3.1974 on account of his resignation. He had rendered four months and five days of continuous service. Thereafter, he was appointed as Secondary Grade Assistant on 11.3.1974 and subsequently, promoted as B.T. Assistant on 20.6.1990 and retired from service on 31.10.2007. He was awarded selection grade on 7.12.1987 and special grade on 7.12.1997. Since the petitioner retired from service on 31.10.2007, the respondents have calculated the period of service from 11.3.1974 to 31.10.2007. Since he has completed less than 30 years of service, he has not been sanctioned full pension. Hence, he made a representation dated 29.3.2016 to the first respondent requesting him to count the earlier service rendered by him between 2.11.1973 and 7.3.1974. Since the same was not considered so far, 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 Additional Government Pleader, 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, this Court directs the first respondent to consider the representation of the petitioner dated 29.3.2016 seeking to count his earlier service from 2.11.1973 to 7.3.1974 for the purpose of grant of full pension and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that this Court is not expressing any opinion with regard to the claim projected by the petitioner and it is for the first respondent to consider the claim of the petitioner strictly on merits and in accordance with law. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1.The Secretary,
Education Department,
Fort St.George,
Chennai-600 009

2.Director of School Education,
College Road, Nungambakkam,
Chennai-600 006

3.The Chief Educational Officer,
Vellore, Vellore District

4.The District Educational Officer,
Cheyyar, Tiruvannamalai District.

+1cc to M/S.V.Thirupathi, Advocate sr.61270
+1cc to M/S.the Government Pleader sr.61560

W.P.No.37142 of 2016

cnr[col]
srg 08/12/2016



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