

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 23.11.2016
CORAM
THE HONOURABLE MR. JUSTICE R.SUBBIAH
Writ Petition No.41052 of 2016

D.Sampathkumar

.. Petitioner

Vs

- 1 Government of Tamil Nadu
Rep by Secretary to Government Rural
development & Panchayat Raj Department
Secretariat Chennai-600 009
 - 2 The Director of Rural
Development & Panchayat Raj Chennai-600 005
 - 3 The District Collector
Namakkal District Namakkal
- ... 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 claim of the Petitioner for taking into account half of the petitioner service in the Survey and land Records Department from 16.12.1982 to 13.9.1990 along with the regular service from 14.9.1990 to 31.3.2015 in the Rural development and Panchayat Raj Department to arrive at the total qualifying service for pension and to revise his pensionary benefits on that basis in the light of Rural 11 (2) of Tamil Nadu Pension Rules 1978 and the petitioners representation dated 12.12.2015.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.K.Dhananjayan,
Spl. Govt. Pleader

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 claim for taking into account half of the service rendered in the Survey and Land Records Department from 16.12.1982 to 13.9.1990 along with the regular service from 14.9.1990 to 31.3.2015 in the Rural development and Panchayat Raj Department to arrive at the total qualifying service for pension and to revise his pensionary benefits on that basis in the light of Rule 11 (2) of Tamil Nadu Pension Rules 1978 and his representation dated 12.12.2015.

3. It is the case of the petitioner that initially, he was appointed as Field Surveyor on a consolidated pay of Rs.450/- by proceedings dated 26.3.1983 of the Assistant Director of Survey and Land Records, Salem, through employment exchange. Subsequently, he was absorbed as Junior Assistant in the Rural Development and Panchayat Raj Department, Salem District and he retired from service on 31.3.2015 on attaining the age of superannuation. Now, the grievance of the petitioner is that while fixing his pensionary benefits, his service in the Survey and Land Records Department has not been taken into account along with his regular service in the Rural Development and Panchayat Raj Department from 14.9.1990 to 31.3.2015. As per rule 11(2) of the Tamil Nadu Pension Rules, 1978, half of the service paid from contingencies shall be allowed to count towards qualifying service for pension along with regular service. The petitioner is also eligible to have half of his service in the Survey and Land Records Department from 16.12.1982 to 13.9.1990 to be counted along with regular service in the Rural Development and Panchayat Raj Department from 14.9.1990 to 31.3.2015 for arriving at the total qualifying service for pensionary benefits. In this regard, he sent a representation dated 12.12.2015 to the first respondent requesting him to take into account the half of the service rendered by him in the Survey and Land Records Department on consolidated monthly pay along with his regular service in the Rural Development and Panchayat Raj Department to arrive at the total qualifying service for pension and to revise his pensionary benefits on that basis. 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 Special 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, without going into the merits of the claim projected by the petitioner, this Court directs the petitioner to send a fresh representation along with a copy of this order to the first respondent within a period of two weeks from the date of receipt of a copy of this

order and on receipt of the same, the first respondent is directed to consider the said representation of the petitioner for taking into account the half of the service rendered by him in the Survey and Land Records Department on consolidated monthly pay along with his regular service in the Rural Development and Panchayat Raj Department to arrive at the total qualifying service for pension and to revise his pensionary benefits on that basis, positively, and pass appropriate orders, on merits and in accordance with law and also in the light of Rule 11(2) of the Tamil Nadu Pension Rules, 1978, within a period of six weeks thereafter. The writ petition is disposed of accordingly. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

sbi

To

- 1 The Secretary to Government Rural
development & Panchayat Raj Department
Secretariat Chennai-600 009
- 2 The Director of Rural
Development & Panchayat Raj Chennai-600 005
- 3 The District Collector
Namakkal District Namakkal

+1 cc to Special Government Pleader sr 68798
+1 cc to M/s.M.Ravi Advocate sr 68588

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