

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.41133 of 2016

P.Gabriel

... Petitioner

Vs

- 1 The Principal Secretary to
Government Labour and Employment Department
Secretariat Chennai-600 009
- 2 The Director of Employment
and Training Guindy Chennai-600032
- 3 The Principal Accountant
General A & E Tamil Nadu Teynampet
Chennai-600 018
- 4 The Regional Joint Director
of Training Employment and Training
Department NO.15 Salai Street Vannarpet
Tirunelveli- 3
- 5 The Principal/Correspondent
Nirmala Institute of Technology Manalikai
- 629 164 Kanniyakumari District ... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus directing the first and second respondents to dispose the petitioner's representation dated 19.8.2016 and reminder on 21.10.2016 in accordance with law within the stipulated time.

For Petitioner : Mr.P.Kannan Kumar

For Respondents : Mr.R.Venkatesh,
Govt. Advocate,
for R1 to R4

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the respondents 1 and 2 to dispose of his representation dated 19.8.2016 and reminder dated 21.10.2016 in accordance with law within the stipulated time.

2. It is the case of the petitioner that he joined service as Junior Assistant on 19.8.1982 in the fifth respondent institution and his service was regularized by the second respondent and the same was duly approved. After completing 29 years of service, he retired on attaining the age of superannuation on 29.2.2012. While calculating the petitioner's service for pension, the second respondent by wrongly calculating his service as 23 years 3 months and 20 days, forwarded the proposal to the third respondent and based on the said proposal, the third respondent has sanctioned pension for the lesser period. In this regard, the petitioner made a representation to the second respondent on 20.12.2013 to sanction revised pension as per G.O.Ms.No.45, Finance dated 10.2.2011. Since the same was not considered, the petitioner filed a writ petition before this Court in W.P.No.30184 of 2014 and this Court, by order dated 19.11.2014, directed the second respondent to consider his claim. Thereafter, the second respondent issued a communication dated 25.3.2015 requesting to send proposal and accordingly, proposal was sent and only revised pension was fixed. But, the other terminal benefits on par with similarly placed employees were denied. In this regard, the petitioner made a representation dated 19.8.2016 and reminder dated 21.10.2016 to the respondent. Since, the same was not considered so far. Hence, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

3. I have heard the learned counsel appearing for the petitioner and the learned Government Advocate, who has taken notice on behalf of the respondents 1 to 4. In view of the limited order to be passed hereunder, this Court is of the view that notice is not necessary to the fifth respondent.

4. 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 19.8.2016 and reminder dated 21.10.2016 seeking revised pension and pass appropriate orders, on merits and in accordance with law, within a period

of six weeks from the date of receipt of a copy of this order.
The writ petition is disposed of accordingly. No costs.

Sd/
Assistant Registrar

/True copy

Sub Assistant Registrar

To

- 1 The Principal Secretary to
Government Labour and Employment Department
Secretariat Chennai-600 009
- 2 The Director of Employment
and Training Guindy Chennai-600032
- 3 The Principal Accountant
General A & E Tamil Nadu Teynampet
Chennai-600 018
- 4 The Regional Joint Director
of Training Employment and Training
Department NO.15 Salai Street Vannarpet
Tirunelveli- 3

+1cc to M/s.P.Kannan Kumar, Advocate SR.No.69282

+1cc to M/s.G.Sankaran, Advocate SR.No.68411

+1cc to Government Pleader SR.No.68806

सत्यमेव जयते

W.P.No.41133 of 2016

SDR 28.12.2016

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