

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 29.11.2016
CORAM
THE HONOURABLE MR. JUSTICE R.SUBBIAH
Writ Petition Nos.41840 of 2016

M.Malik Batcha

... Petitioner

vs.

- 1 Government of Tamil Nadu
Rep. by its Secretary Rural Welfare and
Panchayat Raj Department Fort St. George
Chennai-600 009.
- 2 The Director
Rural Development and Panchayat Raj
Department Panagal Building Saidapet
Chennai-600 015.
- 3 The District Collector
Villupuram District.
- 4 The Accountant General of
Tamil Nadu Office at Teynampet Chennai-600
018. ... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents 1 to 3 to count half of the service rendered by the petitioner from 28.12.1990 to 29.06.2004 on consolidated pay basis along with his regular service as Junior Assistant Assistant and as Deputy Block Development Officer from 30.06.2004 till the date of his retirement on 30.09.2016 to send necessary revised pensionary proposals to the fourth respondent to that effect direct the fourth respondent to pay pension to the petitioner on the basis of the representation dated 5.10.2016 of the petitioner with all consequential benefits within a specified period.

For Petitioner : Mr.S.Mani

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 1 to 3 to count half of the service rendered by him from 28.12.1990 to 29.6.2004 on consolidated pay basis along with his regular service as Junior Assistant Assistant and as Deputy Block Development Officer from 30.6.2004 till the date of his retirement on 30.9.2016, to send necessary revised pensionary proposals to the fourth respondent to that effect and direct the fourth respondent to pay pension to the petitioner on the basis of the representation dated 5.10.2016 of the petitioner with all consequential benefits within a specified period.

3. 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.

4. It is admitted on both sides that the issue raised in the present writ petition is covered by the decision of this Court made in W.P.No.8205 of 2011, dated 19.4.2011 and W.P.No.13832 of 2011, dated 29.6.2011. Both these orders were confirmed by the Division Bench in W.A.Nos.27 and 28 of 2012 by a common Judgment, dated 13.2.2012. The Special Leave Petitions filed by the State against these Judgments in S.L.P (Civil) Nos.14838 and 14839 of 2012 were also dismissed on 10.5.2012.

5. Therefore, the present writ petition is allowed on the same lines as the above writ petitions were allowed. The orders shall be implemented within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

सत्यमेव जयते

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

sbi

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To

1 The Secretary Rural Welfare and
Panchayat Raj Department Fort St. George
Chennai-600 009.

2 The Director
Rural Development and Panchayat Raj
Department Panagal Building Saidapet
Chennai-600 015.

3 The District Collector
Villupuram District.

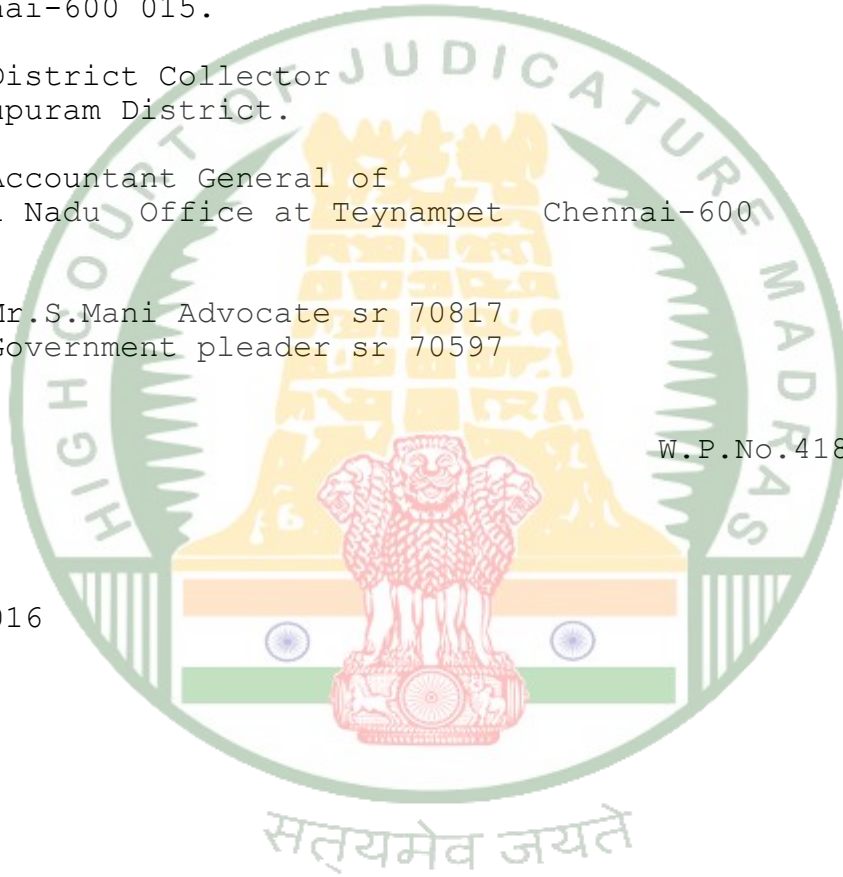
4 The Accountant General of
Tamil Nadu Office at Teynampet Chennai-600
018.

+1 cc to Mr.S.Mani Advocate sr 70817

+1 cc to Government pleader sr 70597

W.P.No.41840 of 2016

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aa26/12/2016



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