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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR

and

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.A. (MD) .No.657 of 2016 & C.M.P. (MD) .No.4278 of 2016

1.The Government of Tamil Nadu,
rep.by its Secretary,
Rural Development & Panchayat Raj Department,
Fort.St.Geroge,
Secretariat,
Chennai-600 009.

2.The Director of Rural Development
Panagal Building,
Saidapet, Chennai-600 015.

3.The District Collector,
Tiruchi District, Tiruchi.

4.The Commissioner,
Panchayat Union,
Manapparai, Tiruchi District.

... Appellant/Respondents 1-4

Vs

1.A.Palaniappan

... 1st Respondent / petitioner

2.The Account General,
No.361, Anna Salai,
Chennai-600 015

... 2nd Respondent / 5th respondent

Appeal filed under Clause 15 of the Letters Patent, against the order dated 18.09.2014 made in W.P(MD)No.20857 of 2013.

Prayer in WP(MD)No.20857/ 2013 :

Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus in the nature of writ, directing the 5th Respondent to count half of the services rendered by the petitioner as part time panchayat clerk in the Manapparai Panchayat Union from 06.08.1973 to 31.12.1990 and pay the arrears of pension and other benefits from the date of his retirement.

For Appellants : Mr.A.K.Baskarapandian

For R.1 : No appearance

For R.2 : Mr.P.Gunasekaran

**JUDGMENT**

(Judgment of the Court was delivered by **S.MANIKUMAR, J.**)

With the consent of the appellants, as well as the second respondent, the Writ appeal is taken up for hearing. There is no appearance on behalf of the first respondent either in person or through his advocate.

2. Aggrieved against the order dated 18.09.2014 made in W.P (MD)No.20857 of 2013, whereby, the Writ Court directed the fifth respondent therein to consider the proposals submitted by the fourth respondent therein, in terms of the judgment made in ***K.Sampath Vs. State of Tamil Nadu, rep.by the Secretary to Government, Rural Development Department, Chennai and others***, reported in **2006 (4) MLJ 1027** and in the light of the order passed in ***W.P.(MD).No.16711 of 2013, dated 19.11.2013***, the appellants are before this Court.

3. Though the appellants have assailed the correctness of the order impugned, dated 18.09.2014, when the matter is taken up for hearing, Mr.AK.Baskara Pandian, learned Special Government Pleader, submitted that the issue is covered by two decisions of the Hon'ble Division Bench of this Court in W.A.(MD).No.308 of 2016 dated 15.02.2016 and W.A.(MD).No.361 of 2016 dated 03.03.2016. Consequently, the first respondent herein is entitled to count half of his service rendered by him, as part time Panchayat Assistant in Manapparai Panchayat Union from 06.08.1973 to 31.12.1990 and also arrears of pension and other benefits from the date of his retirement as per the decisions cited supra.

4. We have also perused the decisions made by the Hon'ble Division Bench of this Court and found that the facts in the above judgments are squarely applicable to the instant appeal.

5. Placing on record the submission of the learned Special Government Pleader and also in the light of the decisions made in the Writ Appeals cited supra, the present appeal is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

6. At this juncture, the learned Special Government Pleader submitted that as the proposals submitted by the fourth respondent were earlier returned by the second respondent herein, fresh proposals will be sent to count 50% of the service rendered by the first respondent, within a period of four weeks from today. Similarly, Mr.P.Gunasekaran, learned Standing Counsel appearing for the second respondent submitted that on receipt of the proposals received from the appellants, the same would be processed and 50% of the service rendered by the first respondent will be counted and arrears of pension and other benefits as applicable to the first respondent will be settled within a period of one month, thereafter.



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7. Submissions of the both the appellants and the second respondent are placed on record. Registry is directed to communicate this order to the first respondent.

Sd/
Assistant Registrar(RTI)

Sub Assistant Registrar(C.S)
Madurai Bench of Madras High Court,
Madurai.

To
The Account General,
No.361, Anna Salai,
Chennai-600 015.

COPY TO:

A.Palaniappan,
S/o.Arumugam,
Vellapatty & Post,
Manjampatty Via,
Tiruchi District.

+1cc to Special Government Pleader in SR.No.22056
+1cc to M/S.P.Gunasekaran, Advocate in SR.No.21398

W.A. (MD) .No.657 of 2016
15.04.2016

ssm
PA/JGB-SS/10.05.2016/3P/5C