



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.09.2016

CORAM :

WEB COPY

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.18584 of 2016

S.C.Manoharan

... Petitioner

vs.

1)The Secretary to Government,
Rural Development and Panchayatraj,
Fort St.George, Chennai-600 009.

2)The Accountant General,
Office of the Accountant General,
Tenampet, Anna Salai, Chennai.

3)The Commissioner/Secretary,
Rural Development and Panchayatraj,
Directorate of Rural Development,
Panagal Mazhigai, Saidapet,
Chennai-15.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 1 and 2 to consider the petitioner's representation dated 22.08.2016 for counting the entire temporary services of the petitioner worked in the cadre of Field Surveyor-cum-Draftsman and Section Writer in the Department of Survey and Land Record for pension purpose and accordingly revise the petitioner's pension and pensionary benefits and to pay the consequential arrears, within a stipulated time to be fixed by this Hon'ble Court in the light of the judgment rendered in Ganapathy vs. State of Tamil Nadu represented by its Principal Secretary to Government, Revenue Department, Chennai, reported in (2013) 2 MLJ 399.

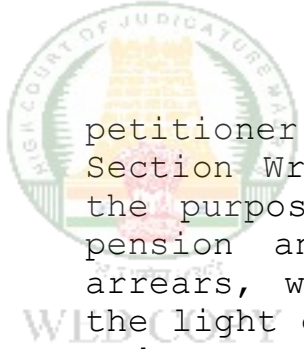
For Petitioner : Mr.V.P.Rajan

For R1 & R3 : Mr.S.Kumar, Additional Government Pleader

For R2 : Mr.P.Gunasekaran

ORDER

This Writ of Mandamus has been filed to direct the respondents 1 and 2 to consider the petitioner's representation dated 22.08.2016 for counting the entire temporary services of the



petitioner worked in the cadre of Field Surveyor-cum-Draftsman and Section Writer in the Department of Survey and Land Record, for the purpose of pension and accordingly, revise the petitioner's pension and pensionary benefits and to pay the consequential arrears, within a stipulated time to be fixed by this Court, in the light of the judgment rendered in Ganapathy vs. State of Tamil Nadu represented by its Principal Secretary to Government, Revenue Department, Chennai, reported in (2013) 2 MLJ 399.

2.The petitioner was appointed as Section Writer in the Department of Survey and Land Record on temporary basis in the year 1984; after 12 years, he was absorbed and appointed as Junior Assistant under the 1st respondent; his services were regularised from 1996; he retired on 29.01.2013; he made a representation dated 22.08.2016 seeking to calculate his entire temporary service rendered by him in the light of the judgment in Ganapathy's case (supra); that representation was not considered and therefore, the petitioner has filed this writ petition.

3.The learned counsel for the petitioner has relied upon a decision in *Ganapathy vs. State of Tamil Nadu represented by its Principal Secretary to Government, Revenue Department, Chennai, reported in (2013) 2 MLJ 399*, wherein, this Court has held that Rule 11 of the Pension Rules and the Government Order restricting the benefit of service rendered on temporary service to 50% only, cannot be held to be constitutionally valid, as it is hit by Article 14 of the Constitution of India. Based on the said judgment, it is the contention of the learned counsel for the petitioner, the entire temporary service of the petitioner has to be taken into consideration for pensionary benefits and therefore prayed for a direction to the respondents to consider the representation of the petitioner dated 22.08.2016 in the light of the above judgment.

4.The learned Additional Government Pleader appearing for the respondents submitted that it is agreeable for the respondents to consider the representation of the petitioner dated 22.08.2016 in the light of the judgment in Ganapathy's case.

5.Recording the above submission, this Writ Petition is disposed of directing the respondents to consider the representation of the petitioner dated 22.08.2016 in the light of the judgment in Ganapathy's case (supra) and to 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. No costs.

Sd/-

Assistant Registrar

/True Copy/



nbi

To

1) The Secretary to Government,
Rural Development and Panchayatraj,
Fort St. George, Chennai-600 009.

2) The Accountant General,
Office of the Accountant General,
Tenampet, Anna Salai, Chennai.

3) The Commissioner/Secretary,
Rural Development and Panchayatraj,
Directorate of Rural Development,
Panagal Mazhigai, Saidapet,
Chennai-15.

+1CC to Mr.V.P.Rajan, Advocate Sr.No.57138

+1CC to Mr.P.Gunasekaran, Advocate Sr.No.58111

GJM/SK/SKN/21.10.16-3p-6C

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