



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.09.2016

CORAM :

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) Nos.18745 to 18747 of 2016

N.Murugesan	... Petitioner in W.P.18745/16
R.Subburaj	... Petitioner in W.P.18746/16
S.Thirumalai	... Petitioner in W.P.18747/16

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 in all WPs

Petitions 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 petitioners' representations dated 11.08.2016, 13.08.2016 and 19.08.2016 for counting the entire temporary services of the petitioners 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 petitioners' 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

**COMMON ORDER**

These Writ Petitions have been filed to direct the respondents 1 and 2 to consider the petitioners' representations dated 11.08.2016, 13.08.2016 and 19.08.2016 respectively, for counting the entire temporary services of the petitioners 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 petitioners' 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.

2.The petitioners were appointed as Section Writers in the Department of Survey and Land Record on temporary basis in the year 1984; after 12 years, they were absorbed and appointed as Junior Assistants under the 1st respondent; their services were regularised from 1996; they retired on 29.06.2015, 30.04.2010 and 31.12.2015 respectively; they made representations dated 11.08.2016, 13.08.2016 and 19.08.2016 respectively, seeking to calculate the entire temporary services rendered by them in the light of the judgment in Ganapathy's case(supra); that representations were not considered and therefore, the petitioners have filed these writ petitions.

3.The learned counsel for the petitioners 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 petitioners, the entire temporary services of the petitioners have to be taken into consideration for pensionary benefits and therefore prayed for a direction to the respondents to consider the representations of the petitioners 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 representations of the petitioners dated 11.08.2016, 13.08.2016 and 19.08.2016 respectively, in the light of the judgment in Ganapathy's case.



5. Recording the above submission, these Writ Petitions are disposed of directing the respondents to consider the representations of the petitioners dated 11.08.2016, 13.08.2016 and 19.08.2016 respectively, 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(Records)

/True Copy/

Sub Assistant Registrar

To

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

2) The Accountant General,
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Tenampet, Anna Salai, Chennai.

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

+3ccs to Mr.V.P.Rajan, Advocate in SR nos. 57680 to 57682

+1cc to Mr.P.Gunasekar, Advocate in SR 58112

+1cc to Spl.Govt.Pleader in SR 57944

nbi

anr/km/21.10.2016/3p/9c

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