



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2016

CORAM

THE HON'BLE Dr.JUSTICE S.VIMALA

W.P(MD) No.19029 of 2016

R.Abdul Gafoor Khan

... Petitioner

-vs-

- 1.The State of Tamil Nadu,
rep.by its Principal Secretary to Government,
Rural Development & Panchayat Raj Dept.,
Fort St.George,
Chennai - 9.
- 2.The Director of Rural Development & Panchayat Raj,
Rural Development & Panchayat Raj Dept.,
Panagal Park,
Chennai - 15.
- 3.The District Collector,
Madurai,
Madurai District.

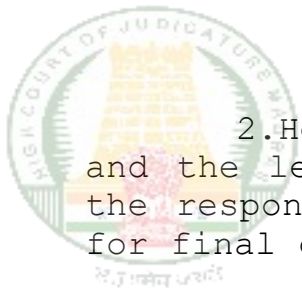
... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to count the service rendered by the petitioner in the post of part time Panchayat Clerk for the purpose of pension and other retiral benefits together with all consequential benefits in the light of order made in W.P(MD)No.17543 of 2013 dated 18.09.2014 and confirmed in W.A.(MD)No.763 of 2015 dated 30.10.2015 and as per G.O.Ms.No.7 Rural Development and Panchayat Raj Department dated 29.01.2016 and by considering the petitioner's representation dated 22.09.2016.

For Petitioner : Mr.C.Venkateshkumar
For RR - 1 to 3 : Mr.M.Alagadevan
Special Government Pleader

O R D E R

This Writ Petition has been filed seeking a direction to the first respondent to count the service rendered by the petitioner in the post of part time Panchayat Clerk for the purpose of getting pension and other retiral benefits together with all consequential benefits.



2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader, who takes notice for the respondents. By consent the writ petition itself is taken up for final disposal at the admission stage.

3. The petitioner was initially appointed as part time Panchayat Clerk on 09.11.1981 at Madurai East Panchayat Union Office. He was promoted as Junior Assistant on 02.02.1994 and subsequently promoted as Assistant on 30.06.2011. He retired from service on 28.02.2015.

4. The grievance of the petitioner is that the service rendered by him as part time Panchayat Clerk from 09.11.1981 to 01.02.1994 was not calculated for the purpose of getting pension, by relying upon G.O.Ms.No.77 dated 12.07.2013.

5. The said Government Order was challenged by one T.Gopalakrishnan and 9 others in WP(MD)No.17543 of 2013 and the same was allowed and the order passed in the Writ Petition was challenged in WA(MD)No.763 of 2015 and the same was dismissed by the order dated 30.10.2015. Thereafter the Government passed G.O.Ms.No.7 dated 29.01.2016 implementing the order passed by this Court in WP(MD)No.17543 of 2013. Contending that the petitioner is also a person similarly placed and that he is also entitled to the benefit of the order passed in WP(MD)No.17543 of 2013 as well as G.O.Ms.No.7 dated 29.01.2016, the present writ petition has been filed.

6. This Court in the case of **C.Eswaran**, reported in **2011 (1) CWC 358** held that once the Court passed an order in favour of a group of persons, there is no further point in waiting for each and every person to file petition and pray for the same relief.

7. Under such circumstances, there is no impediment for the petitioner to get the relief as prayed for in this writ petition.

8. Accordingly, the third respondent is directed to consider the representation of the petitioner dated 22.09.2016 and send a proposal to the first respondent. On receipt of such proposal, the first respondent is directed to pass orders on the same, within a period of eight weeks thereafter, in the light of the G.O.Ms.No.7 dated 29.01.2016 along with the order passed in WP(MD)No.17543 of 2013.

9. The Writ Petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(Writs)

/True copy/



To

1.The Principal Secretary to Government,
State of Tamil Nadu,
Rural Development & Panchayat Raj Dept.,
Fort St.George, Chennai - 9.

WEB COPY

2.The Director of Rural Development & Panchayat Raj,
Rural Development & Panchayat Raj Dept.,
Panagal Park, Chennai - 15.

3.The District Collector,
Madurai, Madurai District.

+1cc to M/s.Ajmal Associates, Advocate SR.No.59057
+1cc to special Government Pleader SR.No.59400

mj

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