



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.12.2016

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.(MD) No.24813 of 2016

S.Gandhi

... Petitioner

Vs.

1.The Principal Accountant General,
(Accounts and Entitlements),
361, Anna Salai,
Teynampettai,
Chennai - 600 018.

2.The State of Tamil Nadu,
represented by its Secretary,
Rural Development and Panchayat
Raj Department,
Secretariat,
Chennai - 600 009.

3.The Commissioner,
Directorate of Rural Development and
Panchayat Raj Department,
panagal Building,
Saidapet,
Chennai - 600 015.

4.The District Collector,
Sivagangai District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the respondents to take into account half of the service of the Petitioner from 1.11.1979 to 18.1.1991 for the purpose of pension, arrears and all attendant terminal benefits with 18% of interest p.a.

For Petitioner : M/s.P.Ganapathi Subramanian

For Respondent-1 : Mr.P.Gunasekaran

For Respondents : Mr.M.Rajarajan
Govt Advocate

O R D E R

This writ petition has been filed, seeking a direction to the respondents to take into account half of the service of the Petitioner from 1.11.1979 to 18.1.1991 for the purpose of pension, arrears and all attendant terminal benefits with 18% of interest p.a.

2. Heard the learned counsel on either side.

3. The case of the petitioner is that the Petitioner joined the service as Panchayat Clerk in Manamadurai Panchayat and after having several promotions, on 31.8.2012, the Petitioner attained the age of superannuation and retired from service and as per G.O.Ms.No.437, Finance(Pension) Department, dated 23.6.1988, provided for half of the service paid from contingencies should be considered with regular service for pension. In this regard the Petitioner has given a representation dated 23.11.2016 to the fourth respondent and since the said representation did not evoke any response, the petitioner is before this Court with the relief stated supra.

4. The counsel for the respondent would submit that it is agreeable for the second respondent to consider the representation of the petitioner and pass orders thereon.

5. In view of the submission, the second respondent is directed to consider the representation of the petitioner, dated 23.11.2016 and to pass appropriate orders on the same on merits and in accordance with law, within a period of three months from the date on which a copy of this order is made ready, preferably on or before 15.3.2017. No costs.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To:

1. The Principal Accountant General,
(Accounts and Entitlements),
361, Anna Salai, Teynampettai,
Chennai - 600 018.

2. The State of Tamil Nadu,
represented by its Secretary,
Rural Development and Panchayat
Department, Secretariat,
Chennai - 600 009.



3.The Commissioner,
Directorate of Rural Development and
Panchayat Raj Department,
panagal Building,
Saidapet,
Chennai - 600 015.

4.The District Collector,
Sivagangai District.

+1cc to Mr.P.Ganapathi Subramanian, Advocate Sr.No. 83370
+1cc to Mr.P.Gunasekaran, Advocate Sr.No. 83629
+1cc to Spl.Government Pleader Sr.No. 83592

JAM/12.01.2017/ME/ 3p-8c

W.P. (MD) No.24813 of 2016
23.12.2016