

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.932/2017

Mr.Kasi Shanmugam

...Petitioner

Vs

1. The Director,
Local Fund Audit Department,
Kuralagam, Chennai 600 108.
2. The Collector,
Thanjavur District, Thanjavur.
3. The Commissioner,
Ammapettai Panchayat Union,
Thanjavur District.

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondents to forthwith sanction Special Pay and Rural Allowance to the petitioner from 25.06.1990 in accordance with G.O.Ms.No.164, Rural Development and Panchayat Raj (E5) Department dated 24.09.2009 by considering the representations dated 05.08.2013 and 27.01.2014.

For Petitioner : Mr.S.Ramesh
For R1 & R2 : Mr.K.Dhananjayan, Spl.GP
For R3 : Mr.r.Vijayakumar, AGP

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ORDER

By consent, the writ petition is taken up for final disposal. Mr.K.Dhananjayan, learned Special Government Pleader accepts notice on behalf of the respondents 1 & 2 and Mr.r.Vijayakumar, learned Additional Government Pleader, accepts notice on behalf of the 3rd respondent.

2 The petitioner joined services of Perumakkanallur Panchayat on 24.11.1975 as Rural Medical Practitioner [B-II Class Siddha Doctor] and there were very many litigation as to the grant of regular time scale of pay and the litigation in that regard, was also allowed by this Court on 08.03.1995 and the appeal filed by the State was also dismissed on 01.02.1996. It is the further contention of the petitioner that the Government had issued G.O.Ms.No.250 dated 14.09.2000, taking note of the benefits granted in G.O.Ms.No.16, Rural Development Department dated 29.01.1998 and subsequently, in pursuant to the orders passed by this Court, the benefit of pension was given by fixing the cut-off date for the services rendered by the petitioners therein from 01.19.1984. The Government, subsequently, passed G.O.Ms.No.408, Finance [Pension] Department, dated 25.08.2009, amending the Pension Rules, in and by which, 50% of the services rendered by such persons prior to regularization, was also taken for the purpose of calculating the pension. However, persons, similarly placed like that of the petitioner, had approached the authorities concerned for conferment of the said benefit and it was rejected on the ground that as per the above cited Government Order, the services of the petitioners therein, are part-time in nature and therefore, they are not entitled to the benefit of the said Government Order and it was also put to challenge in a batch of writ petitions in WP.Nos.53 to 56 of 2011, and the said writ petitions were allowed and challenging the same, the official respondents have filed WA.No.1618/2012 and it was also dismissed. The petitioner has also filed WP.No.32383/2013 and it was allowed on 08.07.2014 and since it was not implemented, a contempt petition was filed and pendency of the same, orders were implemented and however, inadvertently, the actual date of joining, viz., 24.11.1975, was wrongly taken as 01.04.1978. It is the claim of the petitioner that he is entitled to special pay and rural allowances in accordance with G.O.Ms.No.164, Rural Development and Panchayat Raj [E5] Department, dated 24.09.2009 and consequently, a circular was issued by the Directorate of Rural Development and in this regard, the petitioner has also submitted representations on 05.08.2013 and 27.01.2014 to the respondents and since those representations have not been given disposal, the petitioner came forward to file this writ petition.

3 Heard the learned counsel appearing for the petitioner ; Mr.K.Dhananjayan, learned Special Government Pleader appearing for the respondents 1 and 2 and Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the 3rd respondent.

4 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the 3rd respondent to consider and dispose of the petitioner's representations dated 05.08.2013 and 27.01.2014 respectively on merits and in accordance with law and pass orders within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

6 The writ petition stands disposed of with the above direction. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

1. The Director,
Local Fund Audit Department,
Kuralagam,
Chennai 600 108.
2. The Collector,
Thanjavur District,
Thanjavur.
3. The Commissioner,
Ammapettai Panchayat Union,
Thanjavur District.

+1cc to Mr.Ramesh, Advocate, S.R.No.3169
+1cc to the Government Pleader, S.R.No.3550

SR(CO)
RS(07/02/2017)

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