

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.30722 of 2016

S.A.Muthappan

... Petitioner

Vs.

1.The Director of Agriculture,
Agriculture Department,
Chepauk, Chennai - 600 005.

2.The Joint Director of Agriculture,
Tiruvannamalai.

3.The Assistant Director of Agriculture,
Thellar, Vandavasi Taluk,
Tiruvannamalai District.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 16.01.2016 and sanction the increments for the period from 01.07.1983 to 01.07.1991 and sanction the regularization of suspension period from 12.07.1991 to 25.01.2006 for service benefits like commutation of pension, payment of pension and arrears of pension and direct the respondents to pay the arrears of salary and pension and direct the respondents to pay the arrears of salary and pension to the petitioner with interest at the rate of 12% per annum.

For Petitioner : Mr.S.Sadasharam

For R1 & R2 : Mr.K.Dhananjayan

Special Government Pleader

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O R D E R

The relief sought for in this writ petition is for a direction to consider the representation submitted by the petitioner dated 16.01.2016 with regard to the sanction of increments for a period of 01.07.1983 to to 01.07.1991 and sanction the regularization of suspension period from 12.07.1991 to 25.01.2006 and accordingly grant the service benefits.

2.The learned Special Government Pleader appearing on behalf of the respondents made a submission that the petitioner preferred an appeal in C.A. No.621 of 1995 before the High Court, Madras and the same was allowed on 19.07.2002 and the order of conviction was set aside and further direction was issued to refund the fine amount if already paid by its order dated 19.07.2002 and further ordered that "Since the acquittal is based mainly on the technical ground, acquitted appellants are not entitled to receive any monetary benefits during which period they have not contributed their services on the principle of no work no pay".

3.In this view of the matter, the respondents are unable to consider the claim of the writ petitioner. However, the respondents ought to have communicated by way of a reply to the writ petitioner by responding the representation submitted by the writ petitioner on 16.01.2016. But the respondents have not communicated any reply in this regard to the writ petitioner. Considering the above circumstances, the first respondent is directed to consider the representation submitted by the writ petitioner on 16.01.2016 and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

4.Accordingly, the writ petition stands disposed of. However, there is no order as to costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ah

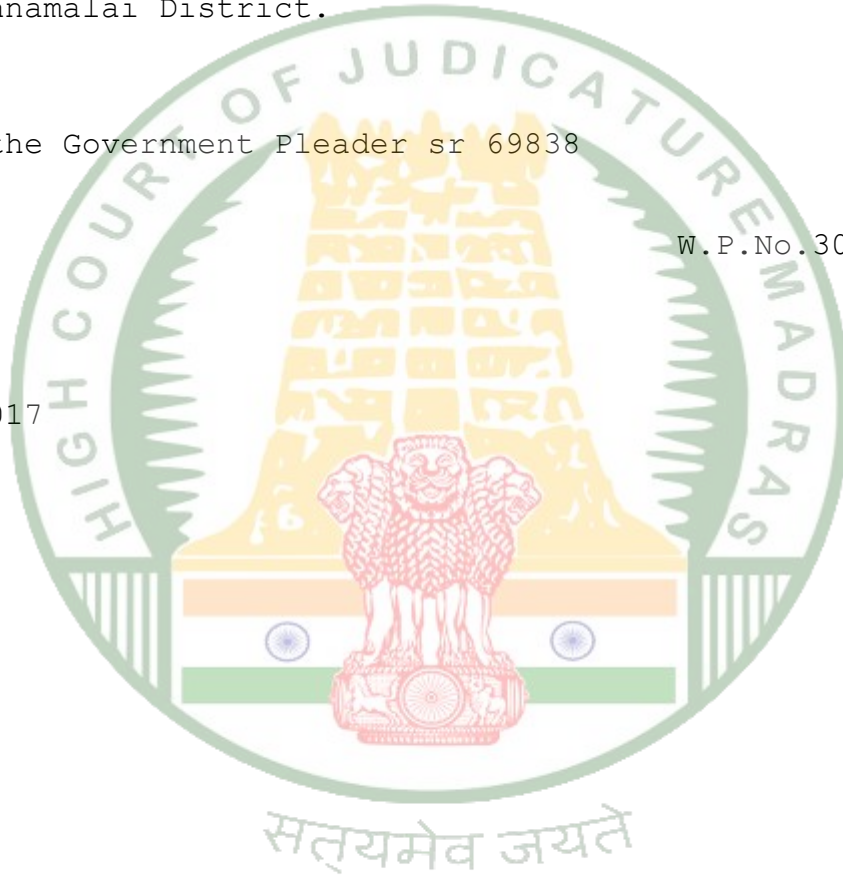
To

- 1.The Director of Agriculture,
Agriculture Department,
Chepauk, Chennai - 600 005.
- 2.The Joint Director of Agriculture,
Tiruvannamalai.
- 3.The Assistant Director of Agriculture,
Thellar, Vandavasi Taluk,
Tiruvannamalai District.

+1 cc to the Government Pleader sr 69838

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