



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD)No.13822 of 2017

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P.Pandidurai

... Petitioner

-vs-

1.The Secretary to Government,
Co-operation, Food and Consumer Protection Department,
Secretariat, Chennai-600 009.

2.The Deputy Registrar of Co-operative Societies,
Near Collectorate Complex,
Opposite to Government Women's College,
Sivagangai.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of a Writ of Mandamus, directing the first respondent i.e., the Secretary to Government, Co-operation, Food and Consumer Protection Department, Chennai to pass appropriate orders on the petitioner's representation dated 09.04.2017 regarding counting full of his services put in the defunct Construction Circle of the Co-operative Department for the period from 05.07.1978 to 26.11.1999 for the purpose of calculation of pension on par with 46 persons who were given the same benefit as per G.O.(3D)No.33 Public Works (C1) Department dated 03.11.2016 without any discrimination, within a specified time frame that may be fixed by this Court.

For Petitioners : Mr.S.Visvalingam

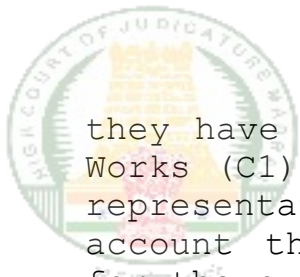
For Respondents 1 and 2 : Mr.K.Guru,

Additional Government Pleader

O R D E R

By consent of both sides, this writ petition itself is taken up for final disposal.

2.The petitioner was appointed as Watchman in the Construction Circle of the Cooperative Department on 05.07.1978 and continued till 26.11.1999. As he was promoted as Driver on 27.11.1999, the Construction circle of the Cooperative Department became defunct on 31.08.2003. Therefore, he was absorbed in the Cooperative Department. But his grievance appears to be that the period of his service from 05.07.1978 to 26.11.1999 rendered in the Construction circle, was not taken into account, for the purpose of calculation of pension on par with 46 workers, when



they have been given the same benefit, as per G.O.3D No.33 Public Works (C1) Department dated 03.11.2016. Therefore, he has given a representation on 09.04.2017 to the 1st respondent to take into account the period of his service from 05.07.1978 to 26.11.1999 for the purpose of calculation of his pension.

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3. It is also his claim that when G.O.(3D) No.33 Public Works C1 Department dated 03.11.2016 was issued giving the benefit of counting the temporary service rendered by the similarly placed 46 persons in the Construction Wing of the Cooperative Department for pension as a special case, taking it as a cause of action, the aforementioned representation dated 09.04.2017 has been given. Therefore, there cannot be any delay on the part of the petitioner.

4. The learned Additional Government Pleader, who takes notice for the respondents, sought time to consider the petitioner's representation.

5. Therefore, the 1st respondent is directed to consider the representation of the petitioner dated 09.04.2017, in the light of G.O.(3D).No.33, Public Works (C1) Department dated 03.11.2016, within a period of eight weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(CS-III)

/Truecopy/

Sub Assistant Registrar

To

1.The Secretary to Government,
Co-operation, Food and Consumer Protection Department,
Secretariat, Chennai-600 009.

2.The Deputy Registrar of Co-operative Societies,
Near Collectorate Complex,
Opposite to Government Women's College, Sivagangai.

+1cc to M/S.S.VISVALINGAM, Advocate SR.No.67755
+1cc to the Special Government Pleader, SR.No.68637

RR

MAS/KP/SAR4:18.08.2017:2P-5C