



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2017

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.3741 of 2017

S.Sivakumar

... Petitioner

Vs.

1.The District Collector,
Trichy District, Trichy.

2.The Assistant Director,
Town Panchayat,
Office of the District Collector,
Trichy.

3.The Executive Officer,
Ponnampatti Town Panchayat,
Thuvarankurichi,
Trichy District.

4.The Local Fund Audit Office,
Town Hall,
Trichy Post,
Trichy District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the first respondent to revise the Petitioner's retirement benefits as Junior Assistant w.e.f. 16.2.2000 (i.e., from the date of issue of the G.O.Ms.No.30, P & AR Department, dated 16.2.2000) or at least from 21.1.2007 (I.e., from the date of Petitioner's appointment as 'office Assistant') and to grant all service, monetary and pension benefits from that date within the time frame fixed by this Court.

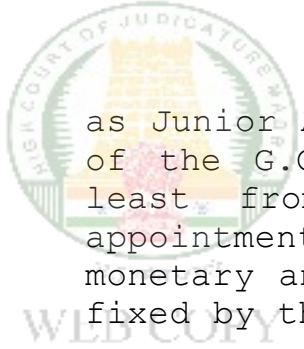
For Petitioner : Mr.A.Thirumurthy
for M/s.Victory Associates

For Respondents : Mr.K.P.Krishnadoss
Government Advocate

O R D E R

<https://hcservices.ecourts.gov.in/hcservices/>

This writ petition has been filed, seeking a direction to the first respondent to revise the Petitioner's retirement benefits



as Junior Assistant w.e.f. 16.2.2000 (i.e., from the date of issue of the G.O.Ms.No.30, P & AR Department, dated 16.2.2000) or at least from 21.1.2007 (I.e., from the date of Petitioner's appointment as 'office Assistant') and to grant all service, monetary and pension benefits from that date within the time frame fixed by this Court.

2.Mr.K.P.Krishnadoss ,learned Government Advocate takes notice for the respondents. By consent of both parties, the Writ Petition itself is taken up for final disposal at the admission stage itself.

3.The case of the Petitioner is that he studied upto B.A and was appointed as Complier in the year 1991 and worked upto 29.2.1992 on consolidated pay. Thereafter based on G.O.No.246 P and AR Department dated 29.8.2003 the Petitioner was appointed as Office Assistant in Ponnampatti Town Panchayat, Thuvankurichi, Trichy District. But his grievance is that he has to be appointed as Junior Assistant based on the supreme Court direction in Civil Ap;peal(CP)No.810 of 1995.The Petitioner has also filed W.P(MD) No.485 of 2009 to consider his claim for the post of Junior Assistant based on the above Supreme Court direction and this Court has also directed the respondents therein to consider the claim of the Petitioner in the light of the Supreme Court direction stated above. But the respondents have promoted the Petitioner to the post of Record Clerk and not as Junior Assistant. Hence the Petitioner has given a representation on 21.1.2017 in this regard 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 respondents would submit that it is agreeable for the respondents to consider the representation of the petitioner and pass orders thereon.

5.In view of the submission, the third respondent is directed to consider the representation of the petitioner, dated 21.1.2017 and to pass appropriate orders on the same in accordance with law, within a period of two months from the date of receipt of a copy of this order, if there is no other legal impediment to do so.

6.With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar

/True copy/



To:

- 1.The District Collector,
Trichy District, Trichy.
- 2.The Assistant Director,
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Trichy.
- 3.The Executive Officer,
Ponnampatti Town Panchayat,
Thuvarankurichi,
Trichy District.
- 4.The Local Fund Audit Office,
Town Hall,
Trichy Post,
Trichy District.

+1 cc to The Special Government Pleader in SR.No. 12309
+1 cc to M/S.A.Thirumurthy, Advocate in SR.No. 12125

vsn

CSL/BS/10.03.2017 : 3P/7C

W.P. (MD) No.3741 of 2017
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