

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED:11.04.2017****CORAM:**

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P. (MD) No.22683 of 2016**&****W.M.P. (MD) .No.16242 of 2016**

T.Vijayakumar

...Petitioner

Vs.

The Principal District Judge,
Pudukkottai District,
Pudukkottai.

...Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus calling for the records relating to the impugned order in R.No.2319/2015, dated 10.07.2015, passed by the respondent herein and quash the same and consequently direct the respondent to re-fix the petitioner's pension by taking into account the service rendered by him between 02.02.1990 to 30.06.2011 as Junior Assistant in District Rural Development Department, Pudukkottai and disburse the arrears and other benefits within the time frame fixed by this Court.

For Petitioner : Mr.S.Gokul RAj

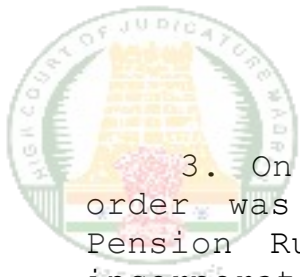
For Respondent : Mr.N.Tamilmani

O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM,J**]

The petitioner joined the respondent department on 31.08.1999 and awarded Selection Grade on 05.09.2009 and retired from service on 30.06.2011. The petitioner earlier has served in the other departments. The petitioner's case is that his earlier service should be reckoned and the benefits which have occurred in such services should have automatically counted in accordance with the provisions of the Tamilnadu Pension Rules.

2. Earlier the petitioner had approached this Court and filed W.P.(MD).No.3614 of 2014 to direct the respondent to consider the representation. The said writ petition was disposed of vide order dated 25.03.2015 to consider the representation within a time frame, pursuant to which, the impugned order has been passed.



3. On a perusal of the impugned order, it is seen that the order was passed without analysing the amendment to Tamilnadu Pension Rules, wherein a new Rule namely Rule 25(1) has been incorporated. In the counter affidavit, it has been fairly admitted that the amended rule was not brought to the knowledge of the respondent. Therefore, the respondent should consider the matter afresh in accordance with the amended Rule.

4. Accordingly, the writ petition is allowed and the impugned order is set aside and the matter is remanded to the respondent for fresh consideration, to take note of the amended Rule to the Tamilnadu Pension Rules and pass orders in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(A.S)

/True Copy/

Sub Assistant Registrar

To

The Principal District Judge,
Pudukkottai District,
Pudukkottai.

+1cc to Mr.S.Gokul Raj, Advocate Sr.No.51588

jikr

vb/jc/sar3/21.04.2017/2p/3c

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&

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