

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 07.06.2018
CORAM
THE HONOURABLE Mr.JUSTICE V.PARTHIBAN
W.P.No.24857 of 2017

S.T.Sundar Raj

... Petitioner

Vs

- 1.The Principal Secretary to Government/
Agricultural Production Commissioner,
Fort St. George,
Chennai-600 009.
- 2.The Commissioner of Agriculture,
Chepauk,
Chennai-600 005.
- 3.The Director of Horticulture and Plantation Crops,
Chepauk,
Chennai-600 005.
- 4.The Deputy Director of Horticulture,
Karur.
- 5.The Deputy Director of Horticulture,
Trichirapalli.
- 6.The Principal Accountant General of Tamil Nadu,
Anna Salai, Teynampet,
Chennai. Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus directing the respondents to regularize the period of study underwent by the petitioner from 22.03.1986 to 04.07.1990 as duty period and consequently direct the respondents to sanction and disburse pension and other pensionary benefits with interest within a stipulated period of time.

For Petitioner : Mr.R.Prem Narayan

For Respondents : Mr.J.Pothiraj
Spl. Govt. Pleader

O R D E R

Heard Mr.R.Prem Narayan, learned counsel for the petitioner and Mr.J.Pothiraj, the learned Special Government Pleader.

2. The petitioner has approached this Court, seeking the following relief:

"To issue a writ of Mandamus directing the respondents to regularize

the period of study underwent by the petitioner from 22.03.1986 to 04.07.1990 as duty period and consequently direct the respondents to sanction and disburse pension and other pensionary benefits with interest within a stipulated period of time."

3. According to the petitioner, he has not received retirement benefits though he had retired from service as early as on 30.04.2016. Therefore, he made several representations to the respondents for sanctioning of pension. He would further submit that by proceedings dated 25.10.2016, 4th respondent intimated him that the Deputy Director of Horticulture, Trichy, had sent service register of the petitioner to the Government and after the receipt of service register from the Government, the petitioner's pension proposal can be forwarded to 6th respondent. He would submit that 1st respondent informed that he has not passed any order on the proposal for regularizing the period from 22.03.1986 to 04.07.1990, since the service register of the petitioner was missing. Hence, the present writ petition is filed.

4. Upon notice, Mr. J. Pothiraj, the learned Special Government Pleader entered appearance on behalf of the second respondent and filed a detailed counter statement wherein paragraph-12 of the Counter affidavit which is extracted hereunder:

"12. As regard to para 10, 11, 12 it is submitted that as the period of absence of the petitioner from 22.03.1986 to 04.07.1990 is more than 1 year, the Government is the competent authority to regularize the above period as Extraordinary Leave or otherwise. Accordingly, a proposal was sent to Government along with relevant documents including the service book of the petitioner on 31.03.12. In the course of action, the service book of the petitioner was misplaced and not traceable even all efforts to trace out the same was ended in futile. Immediately after coming to know regarding loss of service book of the petitioner, Government, vide Letter No.3672/AA4(2)/2016-17, dated 26.07.2017 directed to restructure the service book as a special case based on the available records pertaining to the individual. As per the above instruction, the Deputy Director of Horticulture, Karur where the petitioner lastly worked and from where has retired, has been instructed to restructure the service book vide Letter

No.FSE1/78043/2005, dated 24.08.2017, of the 2nd respondent."

According to the learned Special Government Pleader, it is the duty of the Department to re-construct the service register of the petitioner and thereafter, to send proposal to the 6th respondent for settling the grievance of the petitioner.

5. The learned counsel for the petitioner at this, would submit that a direction may be issued to the respondents 1 to 5 to complete the process of the reconstruction of the service register pertaining to the petitioner within a time stipulated, as the petitioner has attained his superannuation as early as on 30.04.2016.

6. In view of the limited direction sought for in the writ petition, this Court directs the respondents 1 to 5 to reconstruct the service register of the petitioner as submitted by him in paragraph-12 of the counter affidavit, within a period of eight weeks from the date of receipt of a copy of this order and on such reconstruction, the petitioner shall be granted arrears of pension including monthly pension as admissible to him as expeditiously as possible, but not later than eight weeks thereafter.

7. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

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Chennai-600 005.

3.The Director of Horticulture and Plantation Crops,
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4.The Deputy Director of Horticulture,
Karur.

5.The Deputy Director of Horticulture,
Trichirapalli.

6.The Principal Accountant General of Tamil Nadu,
Anna Salai, Teynampet,
Chennai.

+1cc to Mr.Balaji, Advocate SR.No.35634
+1cc to Government Pleader SR.no.35852
+1cc to Mr.PremNarayanan, Advocate Sr.No.35389

MG(CO)
sm:22.6.2018

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