

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2018

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.26725 of 2018

S.Umamageswaran

..Petitioner

Vs.

- 1.The Government of Tamilnadu,
Rep.by its Principal Secretary to Government,
Rural Development & Panchayat Raj Department,
Fort, St.George, Chennai - 600 009.
- 2.The Principal Secretary to Government of Tamilnadu,
Finance Department,
Fort, St.George, Chennai - 600 009.
- 3.The Commissioner of Rural Development and Panchayat Raj,
Panagal Maligai Buildings,
Saidapet, Chennai - 600 015.
- 4.The Principal Accountant General (A&E),
No.361, Anna Salai,
Chennai - 600 018.
- 5.The District Collector,
Vellore,
Vellore District - 632 009.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of mandamus, directing the respondents to consider the representation of the petitioner dated 21.03.2018 and implement G.O.Ms.No.39, Rural Development and Panchayat Raj dated 13.06.2011 granting pensionary benefits to the petitioner by taking 50% of part time service prior to 01.04.2003 from 01.09.1979 to 08.01.1999 for pensionary benefits and grant such other relief.

For Petitioner : Mr.K.R.Gunashekar

For Respondents : Mr.Suresh Kumar
Government Advocate for R1 to 3 & 5

O R D E R

Mr.Suresh Kumar, learned Government Advocate takes notice for the respondents 1 to 3 and 5. By consent, the writ petition itself is taken up for final disposal.

2.The petitioner has come up with this writ petition for a mandamus, directing the respondents to consider his representation dated 21.03.2018 , with regard to grant of pensionary benefits by taking into consideration 50% of his past services.

3. The case of the petitioner is that he was working as Part Time Clerk and Panchayat Assistant in the services of the local body on consolidated pay from 01.09.1979 to 08.01.1999. Subsequently, he was promoted as Junior Assistant on 09.01.1999 and his service was regularised. After attaining the age of superannuation, he retired from service with effect from 30.04.2016. According to the learned counsel for the petitioner, he had been sanctioned pensionary benefits only from 09.01.1999 and his Part time services had not been taken into consideration. Hence, he has submitted a representation to the respondents stating that in terms of G.O.Ms.No.39, Rural Development and Panchayat Raj (E5) Department, dated 13.06.2011, 50% of his past services have to be taken into consideration for the purpose of conferring permanent benefits and requesting to pass orders revising his pensionary benefits. Since no action is forthcoming, the petitioner is before this Court.

4. Considering the facts and circumstances and having regard to the submissions made by the learned counsel on either side, this Court, without going into the merits of the case, directs the respondents to consider the representation of the petitioner dated 21.03.2018, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner, within a period of six weeks from the date of receipt of a copy of this order.

5. With the above direction, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

ms

To

- 1.The Principal Secretary to Government,
The Government of Tamilnadu,
Rural Development & Panchayat Raj Department,
Fort, St.George, Chennai - 600 009.
- 2.The Principal Secretary to Government of Tamilnadu,
Finance Department,
Fort, St.George, Chennai - 600 009.
- 3.The Commissioner of Rural Development and Panchayat Raj,
Panagal Maligai Buildings,
Saidapet, Chennai - 600 015.
- 4.The Principal Accountant General (A&E),
No.361, Anna Salai,
Chennai - 600 018.
- 5.The District Collector,
Vellore,
Vellore District - 632 009.

+lcc to Mr.K.R.Gunashekar, Advocate, S.R.No.69465
+lcc to the Government Pleader, S.R.No. 70539

W.P.No.26725 of 2018

VD(CO)
GN(30/10/2018)

सत्यमेव जयते

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