

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATE : 28.11.2018

CORAM
THE HONOURABLE DR. JUSTICE S.VIMALA

W.P. NO. 31386 OF 2018

S.Sambandam

.. Petitioners

- Vs -

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1. The State of Tamil Nadu
rep. By its Secretary to Government
Rural Development & Panchayat
Raj Department, Fort St. George
Chennai 600 009.
2. Director of Rural Development and
Panchayat Raj Department
Panagal Buildings, No.1, Jeenis Road
Saidapet, Chennai 600 015.
3. The Principal Accountant General (A&E)
Office of Accountant General
361, Anna Salai, Chennai - 18.
4. The District Collector
Collectorate, Thiruvarur district
Thiruvarur.
5. The Assistant director
Local Fund Audit, Thiruvarur.
6. The Block Development Officer
Muthupettai Panchayat Union
Muthupettai, Thiruthuraipoondi Tk.
Thiruvarur District.
7. The Executive Officer
Pamani Panchayat, Pamani
Thiruthuraipoondi Taluk
Thiruvarur District.

..Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing the respondents to count half of earlier service of the petitioner as Temporary Panchayat Clerk/Assistant from 01.01.75 to 13.01.95 in the 7th respondent Panchayat as part of his pensionable services as per Rule 11 (2) of the Tamil Nadu

Pension rules and G.O. Ms. No.39, rural Development (E5) Department dated 13.06.2011 along with his permanent services from 14.01.95 to 31.03.08 and accordingly to pay and settle his revised terminal benefits such as DCRG and Pension, etc., together with 18% interest p.a., within a time frame.

For Petitioner : Mr. V.Ajoy Khouse

For Respondents: Mr. R.Selvam, GA for RR-1, 2, 4 & 5
Mr. A.Rajaperumal for RR-6 & 7

ORDER

Mr. R.Selvam, learned Government Advocate takes notice for respondents 1, 2, 4 and 5 and Mr.A.Rajaperumal takes notice for respondents 6 and 7.

2. The writ petition has been filed seeking direction to the respondent to count half of the earlier service of the petitioner as temporary Panchayat Clerk/Assistant from the year 1975 to the year 1995 (under the 7th respondent Panchayat) as part of his pensionable service. The petitioner has submitted a representation in this regard in tune with Rule 11 (2) of the Tamil Nadu Pension Rules and G.O. Ms. No.39, Rural Development Department dated 13.6.2011. Since no orders have been passed on his representation, the present petition has been filed.

3. The only grievance of the petitioner is that his past service from the year 1975 to the year 1995 ought to be counted along with his permanent service from 14.1.95 to 31.3.08.

4. Learned counsel for the petitioner points out the recommendation made in the audit report in which the eligible period for pension from the year 1.1.1975 to 13.1.1995 is computed at 20 years and 13 days. 50% of this period is sought to be included along with his permanent service. Learned counsel for the petitioner placed reliance upon the earlier orders passed by this Court in W.a. No.259/16 and prays similar orders in this petition as well.

5. In view of the limited relief sought for, this Court is of the view that it would suffice to direct the respondents to consider the representation dated 8.10.2018, submitted by the petitioner, in the light of the audit report as well as the decision in W.A. No.259/2016 dated 10.03.2016 and to pass orders within a particular time frame.

6. In the above circumstances, this writ petition is disposed of directing the respondents to consider the representation dated 8.10.2018, submitted by the petitioner in

the light of the audit report as well as the decision in W.A. No.259/2016 dated 10.03.2016 and pass orders thereon in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

GLN

To

1. The Secretary
Rural Development & Panchayat Raj Department,
Government of Tamil Nadu
Fort St. George, Chennai 600 009.
2. Director of Rural Development and
Panchayat Raj Department
Panagal Buildings, No.1, Jeenis Road
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7. The Executive Officer
Pamani Panchayat, Pamani
Thiruthuraipoondi Taluk
Thiruvarur District.

+1cc to Mr.V.Ajoy Khouse, Advocate, S.R.No.81649
+1cc to the Government Pleader, S.R.No.82242

W.P. No.31386 OF 2018

rrs 02/01/2019