

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.12.2018

CORAM:

THE HONOURABLE Dr. JUSTICE S.VIMALA

W.P.No.31772 of 2018 and
WMP.No.36999 of 2018

S.Ponnusamy

...Petitioner

Versus

1.The Principal Secretary,
Government of Tamil Nadu,
Revenue Department,
Fort St.George,
Chennai - 600 009.

2.The District Collector,
Tiruvannamalai District,
Tiruvannamalai

3.The Tahsildar,
Vembakkam Taluk,
Tiruvannamalai District.

4.The Principal Accountant General (A&E)
Tamil Nadu Circle,
361, Anna Salai, Teynampet,
Chennai - 600 018.

... Respondents

Prayer :Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 3rd and 4th respondents to revise and refix the petitioner's DCRG and pension by counting the services rendered from 24.08.1979 to 31.05.1995 and the period from 1.6.1995 to 31.05.2017 (totally 37 years, 9 months and 7 days of service) as qualifying service and confer all the retirement benefits by considering the petitioner's representation dated 20.04.2018 in the light of the order passed in W.P.(MD)No.11807 of 2014 dated 14.06.2014 by the Madurai Bench of Madras High Court.

For Petitioner : Mr. R.S.Anandan

For Respondent : Mr.R.S.Selvam, (for R1 to R3)
Government Advocate.

: Mr.V.Vijayashankar, (for R4)

ORDER

Mr. R.S.Selvam, learned Government Advocate takes notice for the respondents.

2. The petitioner has filed this writ petition seeking a Writ of Mandamus, to direct the third and fourth respondents to consider his representation dated 20.04.2018 for revising and re-fixing his DCRG, Pension and to confer all the retirement benefits to him, in the light of the order passed in W.P.(MD) No.11807 of 2014 dated 14.06.2014 by the Madurai Bench of Madras High Court.

3. The petitioner joined as Thotti in the year 1979 and retired from service on 31.05.2017. It is the claim of the petitioner that his service from 24.08.1979 to 31.05.1995 was not considered as qualifying service. Hence, the petitioner submitted a representation to consider his services from 24.08.1979 to 31.05.1995 and from 1.6.1995 to 31.05.2017 for the purpose of reckoning his qualifying service for pension and other benefits, but the said representation has not been considered. Therefore, the present writ petition is filed.

4. The learned counsel for the petitioner would submit that earlier this Court on 24.02.2017 in WP No. 4753 of 2017, relying on the order dated 14.06.2016 in WP (MD) No. 11807 of 2014, was held that as per Rule 11 of The Tamil Nadu Pension Rule, even the services rendered as part time services can also be taken into account for the purpose of reckoning the qualifying service. Therefore, according to the counsel for the petitioner, the entire period of service rendered by the petitioner has to be counted for the purpose of granting pension. In similar circumstances, this Court directed the respondents to count the entire service of Village Assistant from the date of their initial appointment.

5. Heard the learned counsel on either side and perused the materials placed on record.

6. In view of the limited relief sought for, this Court is of the view that it is not necessary to dwell into the merits of

the issue, but it would be suffice to direct the respondents to consider the representation submitted by the petitioner on 20.04.2018 in the light of the order passed in W.P.(MD)No.11807 of 2014 dated 14.06.2014 and the order in WP.4753 of 2017, dated 24.02.2017 and pass orders on the same within a particular time frame.

7. In the above circumstances, this writ petition is disposed of directing the respondents to consider the representation of the petitioner dated 20.04.2018 in the light of order passed by this Court in W.P (MD)No.11807 of 2014 dated 14.06.2014 and the order in WP.4753 of 2017, dated 24.02.2017 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. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

- 1.The Principal Secretary,
Government of Tamil Nadu,
Revenue Department,
Fort St.George,Chennai - 600 009.
- 2.The District Collector,
Tiruvannamalai District, Tiruvannamalai
- 3.The Tahsildar,
Vembakkam Taluk,Tiruvannamalai District.
- 4.The Principal Accountant General (A&E)
Tamil Nadu Circle,
361, Anna Salai, Teynampet,Chennai - 600 018.

+1cc to M/S.R.S.Anandan, Advocate Sr.83124
+1cc to the Government Pleader Sr.83733

W.P.No.31772 of 2018 and
WMP.No.36999 of 2018

nrI[co]
srg 02/01/2019