



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 20.04.2018
CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

WEB COPY

W.P (MD) No.8731 of 2018

P.Thillaipalam

... Petitioner

Vs.

1.The Secretary,
Registration Department,
Fort St. George,
Chennai - 600 009.

2.The Sub Registrar,
Sub-Registration Office,
Moolaikaraipatti,
Nanguneri Post,
Tirunelveli District.

3.The Assistant Elementary Educational
Officer, Nanguneri,
Tirunelveli District.

4.The District Librarian,
Palayamkottai,
Tirunelveli.

5.The Assistant Director,
Land Survey Department (UDR)
Tirunelveli.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to count the 50% of the temporary service of the petitioner from January, 1985 to 31.12.1987 in Survey Department and in the Library Department from 16.10.2000 to 10.07.2003 and in Education Department from 11.07.2003 to 17.02.2010 for a total qualifying 50% of service of 6 years out of the total temporary service of 12 years in the respondents 3 to 5 departments along with the regular service of the petitioner in the Registration Department from 17.02.2010 to 31.01.2017 being the date of retirement of the petitioner for about 7 years and consequently direct the respondents to sanction the retiral benefits and other pensionary benefits for the total period of 13 years both temporary and regular service.

For Petitioner : Mr.M.Pounraj

For Respondents : Mr.D.Muruganantham, RR1,3,4 & 5

Mr.M.Murugan, G.A. For R2

O R D E R

The prayer sought for herein is for a writ of Mandamus, directing the respondents to count the 50% of the temporary service of the petitioner from January, 1985 to 31.12.1987 in Survey Department and in the Library Department from 16.10.2000 to 10.07.2003 and in Education Department from 11.07.2003 to 17.02.2010 for a total qualifying 50% of service of 6 years out of the total temporary service of 12 years in the respondents 3 to 5 departments along with the regular service of the petitioner in the Registration Department from 17.02.2010 to 31.01.2017 being the date of retirement of the petitioner for about 7 years and consequently direct the respondents to sanction the retiral benefits and other pensionary benefits for the total period of 13 years both temporary and regular service.

2. Heard Mr.M.Pounraj, learned counsel appearing for the petitioner and Mr.D.Muruganantham, learned Additional Government Pleader appearing for the respondents 1 and 3 to 5 and Mr.M.Murugan, learned Government Advocate, appearing for the second respondent.

3.The grievance of the petitioner is that before he joined in the present department, he had been working temporarily for three departments and thereafter, came to the present department. Therefore, he made representation to calculate 50% of the past service for the service benefit of the petitioner's service and in this regard, the petitioner had given number of representations to the respondents right from 12.12.2017. Therefore, the learned counsel for the petitioner submits that if the said representation of the petitioner is directed to be considered and an order to that effect is directed to be passed, the petitioner would be satisfied.

4.However, per contra, the learned Additional Government Pleader appearing for the respondents 1 and 3 to 5 would submit that the petitioner had been brought to the present department and regularised his service only on condition that his past services shall not be taken into account. After having accepted the same, now, the petitioner has come forward to seek for the present prayer having eye on the pensionary benefits, which was available only to those who have permanently absorbed in any of the government department prior to 2004. Therefore, his request may not be feasible for compliance.

5.Be that as it may, since the petitioner has made a request whether he shall be entitled to get the said relief or not from the respondents should be considered and decided by the respondents in accordance with the relevant service rules and therefore, in that regard, this Court is of the view that the representation of the petitioner can be considered by the respondents and a reasoned order can be passed thereon. In view of that matter, with the consent of both sides, this writ petition is disposed of with the following direction:



"The first respondent is hereby directed to consider the representation of the petitioner dated 12.12.2017 with regard to his request for consideration of his past services for the purpose of service benefits and pass orders thereon, on merits and in accordance with law and pass orders, within a period of eight weeks from the date of receipt of a copy of this order".

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

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary,
Registration Department,
Fort St. George,
Chennai - 600 009.
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Tirunelveli.
5. The Assistant Director,
Land Survey Department (UDR)
Tirunelveli.

+1cc to M/S.M.Pounraj, Advocate SR.No. 62378

+1cc to Special Government Pleader, SR.No. 63032

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20.04.2018

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<https://hcservices.ecourts.gov.in/hcservices/>

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