



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2018
CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P. (MD) No.9846 of 2018

M.Abimannan

.. Petitioner

Vs

1.The Managing Director,
Tamil Nadu Water Supply and Drainage Board (TWAD),
Chepauk, Chennai-600 005.

2.The Superintendent Engineer,
Tamilnadu Water Supply and Drainage Board (TWAD),
Trichy-Pudukkottai Circle, Trichy.

3.The Executive Engineer,
Maintenance Division,
Tamilnadu Water Supply and Drainage Board (TWAD),
Perambalur.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Declaration, declaring that the action of the respondents 1 to 3 in not counting permanent services of the petitioner from 28.04.91 and in counting the same only from 20.03.08 for calculating his terminal and pension benefits as illegal and arbitrary and consequently direct the respondents 1 to 3 to count/treat his entire regular/permanent services from 28.04.91 to 30.04.17 as pensionable services, along with half of his NMR service period from 22.11.89 to 27.04.91 and accordingly to sanction and pay him terminal and pension benefits, after adjusting the amount already paid to him, together with interest at the rate of 18% p.a.,

For Petitioner ... Mr.S.Arunachalam

For Respondents ... Mrs.Porkodi Karnan

ORDER

By consent of both sides, the writ petition itself is taken up for final disposal.

2.Heard Mr.S.Arunachalam, learned counsel appearing for the petitioner and Mrs.Porkodi Karnan, learned Standing counsel appearing for the respondents.



3.The petitioner seeks for a direction upon the respondents to count the petitioner's services from 28.04.91 to 20.03.2008 for the purpose of calculating his terminal and pensionary benefits.

4.The learned counsel appearing for the petitioner pointed out that while preparing the working sheet for sending the pension proposal, the respondents noted the date of appointment of the petitioner as 8.04.91, but however, while calculating the net qualifying service it was mentioned as 9 years, one month and 11 days.

5.The learned counsel for the petitioner referred the petitioner's Service Register and submitted that the services of the petitioner from 1991 to 2008 has been left out and the same should have been considered when the pension proposal was submitted. In this regard, the petitioner sent a representation on 01.04.2018.

6.Since the writ petition is disposed of at the admission stage, no positive direction can be granted as sought for by the petitioner. Since the representation is pending, I direct the third respondent to consider the petitioner's representation, dated 01.04.2018 and pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

7.The petitioner is directed to enclose the copy of the representation along with the copy of this order and forward the same to the third respondent for effective compliance.

8.It is open to the petitioner to rely upon all the relevant documents while submitting the representation to the third respondent.

9.With the above directions, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(AS)

/TRUE COPY/

Sub Assistant Registrar

+1. C.C. to M/S.S.ARUNACHALAM, Advocate SR.No.64035.
+1. C.C. to M/S.PORKODI KARNAN, Advocate SR.No.64783.