



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 19.06.2018
CORAM:

THE HONOURABLE MR. JUSTICE R. SURESH KUMAR

WEB COPY

W.P (MD) No.12243 of 2018

K.Daniel

... Petitioner

Vs

1. The Principal Accountant General
(Accounts & Entitlements) Tamil Nadu,
361, Anna Salai,
Chennai-600 016.

2. The Executive Engineer,
Public Works Department,
Thamiraparani Division,
Palayamkottai,
Tirunelveli-2.

3. The Assistant Executive Engineer,
Public Works Department,
Electrical Sub Division,
Palayamkottai,
Tirunelveli District.

4. The Assistant Executive Engineer,
Public Works Department,
Water Resources Organization,
Manimutharu Dam Sub Division,
Ampasamudram Taluk,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition is filed, under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the second respondent to endorse petitioner's 6 years eligible non-provincialised service period as NMR in his service register consequently to sent the service register to the 1st respondent with suitable recommendation to sanction the full pension along with the arrears from the date of his retirement dated 31.10.2006, by considering his representation dated 23.05.2018 within the period stipulated by this Court.

For Petitioner : M/s.S.Varnikhaa

For R1 : Mr.P.Gunasekaran

For R2 to R4 : Mrs.S.Srimathy,

Special Government Pleader

**ORDER**

The Prayer sought for in the writ petition is for a Writ of Mandamus, to direct the second respondent to endorse the petitioner's 6 years eligible non-provincialised service period as NMR in his service register, consequently to send the service register to the first respondent with suitable recommendation to sanction the full pension along with the arrears from the date of his retirement, i.e., dated 31.10.2006, by considering his representation, dated 23.05.2018.

2. Heard the learned counsel appearing for the petitioner, Mr.P.Gunasekaran, learned counsel appearing for the first respondent and Mrs.S.Srimathy, learned Special Government Pleader appearing for the respondents 2 to 4.

3. It is submitted by the learned counsel appearing for the petitioner that the petitioner, after having worked for long years as daily wage and even got regularised subsequently, his past service as daily wage had not been taken into account for the purpose of service benefits. In this regard, even though the Government Orders are there that 50% of past service to be taken into account while computing the pension, the said benefit has not been given to the petitioner and therefore, the petitioner has given a representation to the respondents on 23.05.2018.

4. The learned counsel appearing for the petitioner would further submit that, if the said representation, dated 23.05.2018 of the petitioner is directed to be considered by the respondent and an order to that effect is directed to be passed within a time to be fixed by this Court, the petitioner would be satisfied.

5. The learned Special Government Pleader appearing for the respondents 2 to 4 would submit that the said representation of the petitioner, dated 23.05.2018 would be considered on merits and in accordance with and reasoned orders to that effect would be passed within a time frame.

6. Considering the said submission made by both sides, this Court is inclined to pass the following order:-

"That the Second respondent is directed to consider the representation of the petitioner, dated 23.05.2018 on merits and in accordance with law and a reasoned order to that effect with regard to service benefits of the petitioner shall be passed within a period of six weeks from the date of receipt of a copy of



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

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar (CS-III)

To

1. The Executive Engineer,
Public Works Department,
Thamiraparani Division,
Palayamkottai,
Tirunelveli-2.
2. The Assistant Executive Engineer,
Public Works Department,
Electrical Sub Division,
Palayamkottai,
Tirunelveli District.
3. The Assistant Executive Engineer,
Public Works Department,
Water Resources Organization,
Manimutharu Dam Sub Division,
Ampasamudram Taluk,
Tirunelveli District.

+1 cc TO Mr.A.Haja Mohideen, ADVOCATE IN SR NO.68818

+1 cc TO Mr.P.Gunasekaran, ADVOCATE IN SR NO.68953

+1cc to Special Government Pleader Sr.No.68858

Am

MK/TE/BK/SAR 3/04.01.2019/3P/7C

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