



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

and

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

W.A(MD)No.1085 of 2018

and

C.M.P. (MD) No. 7733 of 2018

The Assistant Commissioner of Labur,
(Social Security Scheme)
1st Floor, Tamilnadu Housing Board Office Building,
Ellis Nagar,
Madurai District. ... Appellant/Respondent

Vs.

G.V.Gnanaeswaran ... Respondent/ Writ Petitioner

PRAYER: The Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 10.01.2018 made in W.P.(MD) No.9868 of 2016 on the file of this Court.

Prayer in WP(MD)No. 9868 of 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records of the impugned order passed by the Respondent bearing Na.Ka.No.1458/2015 dated 04.12.2015 and quash the same and consequently direct the respondent to issue a Handloom Weavers aged old pension scheme in Reg No. 22HHSW6723 dt 30.04.2007 based on the petitioners application dated 03.02.2012 to disburse the aged old pension with arrears.

For Appellant	:	Mrs.S.Srimathy Special Government Pleader
For Respondent	:	Mr.J.Vijayaraja Reddy (Legal Aid Counsel)

J U D G M E N T

(Judgment of this Court was delivered by M.M. SUNDRESH, J.)

We have heard the learned Special Government Pleader appearing for the appellant and the learned counsel for the respondent.
<https://hcservices.ecourts.gov.in/hcservices/>



2. The only point raised in this writ appeal is with respect to the date to be reckoned for the purpose of calculating pension.

3. The learned Special Government Pleader submitted that the respondent/writ petition was claiming arrears of pension, from the year 2011 onwards, based upon the Birth Certificate produced by him subsequently in the year 2015.

4. Unfortunately, this factum has not been brought before the learned Single Judge. Therefore, we are not inclined to entertain the Writ Appeal on that ground. The only remedy open to the appellant is to file a review.

5. Accordingly, this Writ Appeal is disposed of with liberty to the appellant to file a review before the learned Single Judge. It is submitted that the contempt has already been filed. Since we are permitting the appellant to file a review, which has to be filed within a period of two weeks from the date of receipt of a copy of this order before the learned Single Judge and till such time, further action shall be deferred. No costs. Consequently, connected C.M.P. (MD) No. 7733 of 2018 is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-II)

To

The Assistant Commissioner of Labour,
(Social Security Scheme)
1st Floor, Tamilnadu Housing Board Office Building,
Ellis Nagar,
Madurai District.

+1cc to The Spl. Government Pleader Sr.No.79044

CM

VB/KAK/SAR2/04.09.2018/2P/3C

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