



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.09.2018

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.(MD) No.19923 of 2018

WEB COPY

D.Ebenezar Victor Ponnusamy

.. Petitioner

Vs.

1.The District Collector,
Thoothukudi District, Thoothukudi.

2.The District Adi-Dravidar Welfare Officer,
Collectorate Complex, Thoothukudi District,
Thoothukudi.

3.The Special Tahsildar (Harijan Welfare),
Kovilpatti, Thoothukudi District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the first respondent ie., the District Collector, Thoothukudi to send the pension proposals of the Petitioner since 13 years have lapsed from the date of his retirement, within the time frame fixed by this Court.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.S.Dhayalan

Government Advocate

ORDER

The Petitioner has come forward with this Writ Petition seeking to issue a writ of Mandamus, directing the first respondent ie., the District Collector, Thoothukudi to send the pension proposals of the Petitioner since 13 years have lapsed from the date of his retirement, within the time frame fixed by this Court.

2.Mr.S.Dhayalan, learned Government Advocate, takes notice for the respondents. By consent of both parties, the main Writ Petition itself is taken up for final disposal at the stage of admission itself.

3.The case of the Petitioner is that he was employed as Assistant in the office of the second respondent and retired from service on attaining the age of superannuation on 30.09.2005, after serving for about 39 years and till date the retirement benefits has not been paid to him. The benefits has not been extended to him on the ground that his service records have been misplaced and already directions were issued to the authorities to reconstruct the service records based on the documents available in the Office by taking note of the service particulars of the Petitioner. In this regard the Petitioner has made a representation on 28.7.2012 to the second respondent and other higher officials. Since the said



representation did not evoke any response, the petitioner is before this Court with the relief stated supra.

4. The learned Government Advocate appearing for the respondents would submit that it is agreeable for the respondents to consider the representation of the petitioner in accordance with law, within the time frame specified by this Court.

5. As the respondents are responsible for the loss of service records of the Petitioner, the respondents are directed to reconstruct the service records with the available service records of the Petitioner and particulars that are available with the Petitioner and consider the representation of the Petitioner, dated 28.7.2012 and pass appropriate orders on the same in accordance with the rules, if the Petitioner is otherwise eligible and if there is no legal impediment to do so and the terminal benefits may be extended to him and the representation is sought to be considered in the light of the above observations, within a period of three months from the date of receipt of a copy of this order.

6. With the above directions, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-I)

To:

1. The District Collector,
Thoothukudi District, Thoothukudi.
2. The District Adi-Dravidar Welfare Officer,
Collectorate Complex, Thoothukudi District,
Thoothukudi.
3. The Special Tahsildar (Harijan Welfare),
Kovilpatti, Thoothukudi District.

+1CC to Mr. S. Visvalingam, Advocate, SR.No.84631
+1CC to the Special Government Pleader SR.No.85208

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ES/SKN/RSK/SAR 1/01.11.2018/2P/6C