

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2019

CORAM

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P.No.41042 of 2016

N.Gokularaman

..Petitioner

Vs.

1. The Chief Commissioner & Director
Survey & Settlement Department,
Survey House,, Ezhilagam, Chennai-600 005.
2. The Assistant Director,
Land Survey Records Department,
Villupuram.
3. The State of Tamil Nadu represented by the
Secretary to Government, Land Survey & Settlement
Department, Fort St. George, Chennai-600 009.

..Respondents

PRAYER:

Writ Petition is filed under Article 226 of the Constitution of India seeking for a Writ of Mandamus directing the first respondent to sanction the benefits as adumbrated in G.O.Ms.408 dated 25.08.2009 by taking into account half of services rendered by the petitioner in State Farm Corporation for computation of pension within a specified time fixed by this Court.

For petitioner : Mr.S.Balaji

For respondents : Mr.J.Ramesh (R1 to R3)
Additional Government Pleader

O R D E R

This Writ Petition has been filed seeking for a direction to the first respondent to sanction the benefits as adumbrated in G.O.Ms.No.408 dated 25.08.2009 by taking into account half of the services rendered by the petitioner in State Farm Corporation for computation of pension within a specified time as fixed by this Court.

2. According to the Writ Petitioner, Initially he was working in the Tamil Nadu State Farm Corporation, Neyveli from 28.11.1977 to 31.05.1982 as Borewell keeper and field watchman on daily wage basis. Subsequent to the closure of the farm Corporation, the petitioner was absorbed in the service of the Land Survey Department in the year 1984 as Draughtsman. His the service was regularised in the year 1991 and the writ petitioner was retired from service in the year 2010. After his retirement, the petitioner made representation to the respondents seeking to count half of his past services rendered in the Farm corporation, as per the G.O.Ms.408 dated 25.08.2009, for calculation of pension. As the did not evoke any response, the petitioner sent a representation to the first respondent on 05.10.2016 and the same was duly acknowledged by the first respondent. Since, no action has been taken by the first respondent the petitioner has come forward with the writ petition seeking for the aforesaid relief.

2. Heard the learned counsel for the petitioner as well as the learned Additional Government Pleader appearing for the respondents 1 to 3.

3. The learned counsel for the petitioner submitted that since the writ petitioner got absorbed into Government service prior to 01.04.2003 he is entitled to get relief as prayed as in view of the G.O.Ms.No.408 dated 25.08.2009.

4. The learned Additional Government Pleader submitted that if the aforesaid fact is correct, the representation of the petitioner will be considered in accordance with the rules and the appropriate orders will be passed as expeditiously as possible.

5. This Court, without expressing any opinion on the merits of the representation directs the authority concerned i.e, the third respondent to consider the petitioner's representation dated 05.10.2016 based on the decision taken by the first respondent and pass orders on merits and in accordance with law, within a period of four months from the date of receipt of a copy of this order. It is needless to say that petitioner shall furnish a copy of the said representation along with the copy of this order to both respondents 1 and 3.

This Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

arr
To

1. The Chief Commissioner & Director
Survey & Settlement Department,
Survey House,, Ezhilagam, Chennai-600 005.
 2. The Assistant Director,
Land Survey Records Department,
Villupuram.
 3. The State of Tamil Nadu represented by the
Secretary to Government, Land Survey & Settlement
Department, Fort St. George, Chennai-600 009.
- +1cc to Mr.S.Balaji Advocate SR.105963
+1cc to the Government Pleader SR.106706

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VGII(CO)
CB(30/01/2020)



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