

IN THE JUDICATE OF MADRAS HIGH COURT

DATE : 13.08.2019

CORUM

THE HON'BLE MR.JUSTICE V. PARTHIBAN

W.P.No.16729 of 2018

T. Annadurai

... Petitioner

Vs

1. The Government of Tamil Nadu
rep by its Secretary,
Finance Department,
Fort St. George,
Chennai - 600 009
 2. The District Collector,
Cuddalore District
 3. The Commissioner for Revenue Administration,
Chepauk,
Chennai - 600 005
 4. The Accountant General of Tamil Nadu,
Teynampet,
Chennai 600 018
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents No.1 and 2 to consider and pass orders on the representation dated 08.01.2018, followed by reminder dated 13.06.2018, made by the petitioner, taking into consideration the service rendered by the petitioner for the period from 24.03.1978 to 23.06.1978 on temporary basis, from 24.02.1979 to 14.11.1980 on permanent basis and as Panchayat Assistant from 1.1.1991 to 08.03.1995.

For Petitioner : Mr.K. Venkatesan

For R.1 to R.3 : Mr.J. Pothiraj
Spl. Govt. Pleader

For R.4 : Ms.J. Sreevidya

ORDER

(Order of the Court was made by V. PARTHIBAN, J.,)

The Petitioner has filed the Writ Petition seeking to issue a Writ of Mandamus to direct the respondents No.1 and 2 to consider and pass orders on the representation dated 08.01.2018, followed by reminder dated 13.06.2018, made by the petitioner, taking into consideration the service rendered by the petitioner for the period from 24.03.1978 to 23.06.1978 on temporary basis, from 24.02.1979 to 14.11.1980 on permanent basis as Village Karnam and as Panchayat Assistant from 1.1.1991 to 08.03.1995.

2. According to the petitioner, he was appointed as Village Karnam in Veeramudaiyanatham and Anaivari Villages from 24.03.1978 to 23.06.1978 on temporary basis and from 24.02.1979 to 14.11.1980 on permanent basis. Thereafter, according to the petitioner, he was working as Village Assistant from 01.01.1991 to 08.03.1995. Thereafter, by Proceedings in Na.Ka.A5.3808/79 dated 14.02.1979 of Tahsildar, Chidambaram, the petitioner was promoted to the post of Village Administrative Officer with effect from 09.03.1995 and according to the petitioner, his employment prior to 1995 was not counted for the purpose of pensionary benefits.

3. In this connection, the petitioner has given number of representations, particularly, on 08.01.2018, followed by reminder dated 13.06.2018, however, the representations have not been considered. Therefore, the petitioner has approached this Court seeking for the above relief.

4. When the matter is taken up for hearing, the learned counsel for the petitioner would submit that the issue of counting of the period of service as Village Karnam was the subject matter of consideration before this Court earlier and this Court, by Order dated 16.11.2017 in W.P.No.10252 of 2012, allowed the claim of the petitioner therein. The learned counsel would draw the attention of this Court to paragraph -11 of the Order. The operative portion of the order is extracted hereunder:

"11. In view of the above discussion and narration, this Court has no hesitation in allowing the writ petition. In the said circumstances, the impugned order in proceeding Na.Ka.A5/909/2012 dated 14.03.2012, passed by the third respondent is set aside. The respondents are directed to count the half of the services rendered by the petitioner as Village Karnam from

01.12.1978 till 06.07.1982 and accordingly, calculate his pension and pay the pensional benefits as admissible to the petitioner. The above direction shall be complied with by the respondent within a period of two months from the date of receipt of a copy of this order.

5. The learned counsel for the petitioner submits that since the issue is covered by the order passed by this Court in the aforementioned writ petition, he would request this Court to direct the second respondent to dispose of the petitioner's representation for the relief as sought and pass appropriate orders on the representation within a time stipulated by this Court.

6. The learned Special Government Pleader appearing for the respondents would submit that the second respondent may be directed to dispose of the representation within a stipulated time period and he would have no objection for such limited direction being issued by this Court.

7. Considering the limited scope of the submission made on behalf of the parties, the writ petition is disposed of with a direction as under:

" The second respondent is directed to dispose of the representations of the petitioner dated 08.01.2018, followed by reminder dated 13.06.2018 with regard to his claim of counting of service rendered as Village Karnam from 24.03.1978 to 23.06.1978 on temporary basis and from 24.02.1979 to 14.11.1980 on permanent basis and as Panchayat Assistant from 01.01.1991 to 08.03.1995 and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order.

No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

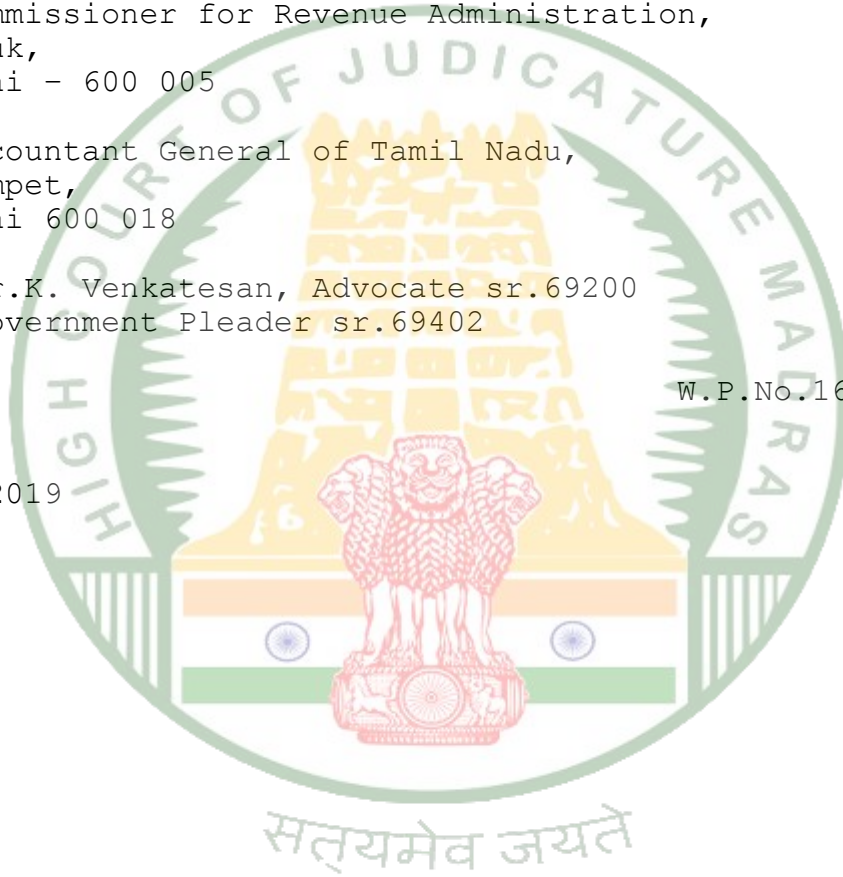
To

1. The Secretary,
Government of Tamil Nadu
Finance Department,
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Chennai - 600 009
2. The District Collector,
Cuddalore District
3. The Commissioner for Revenue Administration,
Chepauk,
Chennai - 600 005
4. The Accountant General of Tamil Nadu,
Teynampet,
Chennai 600 018

+1cc to Mr.K. Venkatesan, Advocate sr.69200
+1cc to Government Pleader sr.69402

W.P.No.16729 of 2018

mp(co)
nr 26/09/2019



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