

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :01.10.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.28787 of 2019

A.Thangavel

... Petitioner

vs

1.The District Collector
Namakkal District
Namakkal.

2.The Revenue Divisional Officer
Namakkal.

3.The Tahsildar
Namakkal Taluk
Namakkal.

4.The Principal Accountant General (A&E)
Tamil Nadu, Chennai-600 018.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd respondent to consider the petitioner's claim in pursuance of the instructions of the 1st respondent in the proceedings No.O.MU.1037/2017B4 dated 10.01.2018 and to revise the retirement and pensionary benefits of the petitioner by duly regularise the period from 01.12.2002 to 15.09.2004 or duly for all purposes and to grant consequential service and monetary benefits within the time frame.

For Petitioner : Mr.Ravi M.

For Respondents : Mrs.A.Sri Jayanthi
Additional Government Pleader

O R D E R

Writ Petition is filed for issuance of a Writ of Mandamus directing the 2nd respondent to consider the petitioner's claim in pursuance of the instructions of the 1st respondent in the proceedings No.O.MU.1037/2017B4 dated 10.01.2018 and to revise

the retirement and pensionary benefits of the petitioner by duly regularise the period from 01.12.2002 to 15.09.2004 or duly for all purposes and to grant consequential service and monetary benefits within the time frame.

2. Heard the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for the respondents. By consent, the writ petition is taken up for final disposal.

3. The case of the petitioner is that he was Ex.Village Officer till 14.11.1980 and he lost his job. Subsequently, he was selected as Village Administrative Officer in Namakkal Taluk and joined service on 01.09.1982. While serving as V.A.O., the petitioner was constrained to proceed on leave from 01.12.2002 onwards due to urgent domestic problems and to be on leave continuously. In this connection, a show cause notice under Rule 17(a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, was issued on 09.01.2003. The petitioner has submitted his explanation on 17.02.2003. Subsequently, the petitioner retired from service on 30.04.2009. The absent period from 01.12.2002 to 15.09.2004 has not been regularised. Hence, the petitioner has made a representation dated 02.01.2018 for regularising the absent period from 01.12.2002 to 15.09.2004. However, till date, the petitioner's representation was not considered by the respondents. Hence, this writ petition.

4. Learned counsel appearing for the petitioner submitted that it would suffice, if this Court issues direction to the respondents to consider the petitioner's representation and pass appropriate orders within the reasonable time.

5. Learned Additional Government Pleader appearing for the respondents submitted that for unauthorised absence, the petitioner was awarded censure. Hence, unauthorised period cannot be regularised.

6. Considering the limited request made by the learned counsel appearing for the petitioner, this Court hereby directs the respondents to consider the petitioner's representation dated 02.01.2018 and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

7. The writ petition is accordingly disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

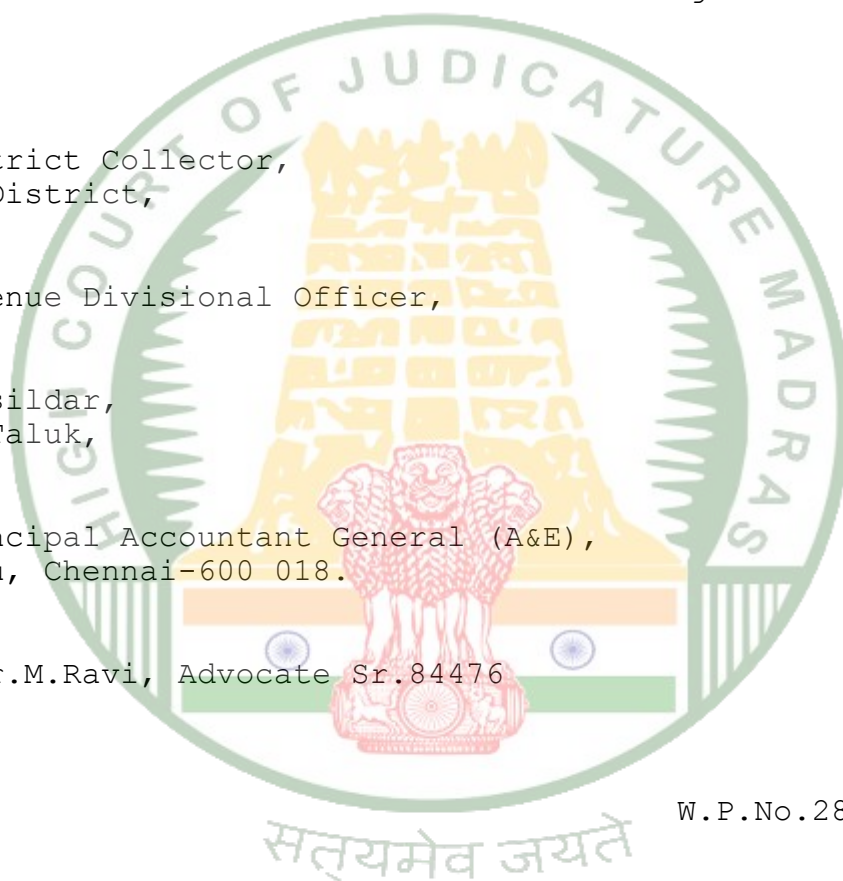
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Tamil Nadu, Chennai-600 018.

+1cc to Mr.M.Ravi, Advocate Sr.84476



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