

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2019

CORAM

THE HONOURABLE Dr. JUSTICE ANITA SUMANTH

W.P.No.33098 of 2017
and
W.M.P.No.36516 of 2017

T.E.Sekaran

.. Petitioner

Vs.

1.The Principal Secretary,
Government of Tamil Nadu,
Revenue Department,
Fort St.George,
Chennai - 600 009.

2.The District Collector,
Tiruvannamalai District.
Thiruvannamalai.

3.The Tahsildhar,
Venbakam Taluk,
Tiruvannamalai District.

4.The Principal Accountant General (A&E),
Tamil Nadu Circle,
361, Anna Salai, Teynampet,
Chennai - 600 018.

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the 3rd and 4th respondent to revise and refix the petitioner's DCRG and Pension by counting the services rendered from 1.12.1982 to 30.5.1995 and the period from 1.6.1995 to 31.1.2017 (totally 34 years and 2 months of service) as qualifying service and confer all the retirement benefits by considering the petitioner representations dated 28.4.2017 and 27.11.2017 in the light of the order passed in W.P(MD)No.11807 of 2014 dated 14.6.2014 by the Madurai Bench of Madras High Court.

For Petitioner : Mr.R.S.Anandan

For Respondents : Mr.K.S.Suresh,
Government Advocate for RR1 to 3

Mr.V.Murali for R4

O R D E R

Heard Mr.R.S.Anandan, learned counsel for the petitioner, Mr.K.S.Suresh, learned Government Advocate for respondents 1 to 3 and Mr.V.Murali, learned counsel for the fourth respondent.

2. The limited prayer is for issuance of Mandamus directing the third and fourth respondents to revise and refix the petitioners' date of retirement benefits and pension by counting the service rendered from 01.12.1982 to 30.05.1995 and between 1.6.1995 to 31.1.2017, in all amounting to 34 years and 2 months of service, as qualifying service and consequently, confer all the appropriate retirement benefits.

3. The petitioner joined Government service as Village Assistant on 01.12.1982 and attained the age of superannuation on 31.01.2017. However, his quarrel is that his service has been counted only with effect from 01.06.1995, when the post of Village Assistant was brought into regular establishment. According to the petitioner his service has to be reckoned from the date of initial appointment, i.e., from 01.12.1982 for the post of computation of retirement benefits.

4. The petitioner has submitted representations dated 28.04.2017 and 27.11.2017, which have still not found favour of response. Hence, the present Writ Petition.

5. The learned counsel for the petitioner relies on the orders of the learned Single Judge of this Court in W.P(MD) No.11807 of 2014, W.P(MD).No.21139 of 2014 and W.P.No.4753 of 2017.

6. Counters have been filed by the third respondent and the fourth respondent denying the relief sought for by the petitioner.

7. Without going into the merits of the clause , it would suffice in the facts and circumstances of the case to direct the third respondent to pass orders on the representations of the petitioner dated 28.04.2017 and 27.11.2017, after issuing notice to the petitioner to appear with all relevant records. Necessary orders shall be passed by the third respondent within a period

of four weeks from the date of receipt of a copy of this order. The authority shall dispose of the representations after taking into account the orders passed by this Court in regard to the issue on hand.

8. In the result, the Writ Petition is disposed of in the above terms. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

tsg/sri

To

- 1.The Principal Secretary,
Government of Tamil Nadu,
Revenue Department,
Fort St.George,
Chennai - 600 009.
- 2.The District Collector,
Tiruvannamalai District.
Thiruvannamalai.
- 3.The Tahsildhar,
Venbakkam Taluk,
Tiruvannamalai District.
- 4.The Principal Accountant General (A&E),
Tamil Nadu Circle,
361, Anna Salai, Teynampet,
Chennai - 600 018.

+1 cc to Mr.R.S.Anandan, Advocate, Sr.No. 36884
+1 cc to Mr.V.Murali, Advocate, Sr.No. 37357
+1 cc to The Government Pleader, Sr.No. 38220

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CSL/27.05.2019