



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. (MD) No. 5444 of 2019

M. Krishnamoorthi

... Petitioner

Vs

1. The Principal Secretary to Government,
Finance (CMPC) Department,
Fort St. George,
Chennai.

2. The Director of School Education,
D.P.I. Campus, College road,
Chennai - 08.

3. The Accountant General (Accounts and Entitlements),
Accountant General Department,
Chennai - 18.

4. The Executive Engineer,
Agriculture Engineering Department,
Trichy - 01.

5. The Chief Engineer (Agrl. Engg.)
Agriculture Engg Dept.,
487, Anna Salai Nandanam,
Chennai - 600 035.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents herein to take 50% of service rendered by the petitioner as the qualifying service for the purpose pension and the quantum of pension under Rule 43 (2) of the TamilNadu Pension Rules and to sanction pension and other pensionary benefits and also to pay arrears by considering petitioner's representation dated 03.12.2018 within the time limit fixed by this Court.

For Petitioner : Mr. R. Ragavendran

For Respondents : Mrs. S. Srimathy

Special Government Pleader

ORDER

This writ petition has been filed seeking a direction to the respondents to take 50% of service rendered by the petitioner as qualifying service under Rule 43 (2) of the TamilNadu Pension Rules and to sanction pension and other pensionary benefits, by considering the petitioner's representation dated 03.12.2018.



2. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents. By consent, the writ petition itself is taken up for final disposal at the stage of admission.

3. The petitioner was initially working as a Typewriting Instructor at N.S.V.V. Boys Higher Secondary School, Pattiveeranpatti between 28.06.1979 and 28.01.1987. Subsequently, he served in the Department of Agriculture and retired from service on 30.06.2013. The grievance of the petitioner is that 50 % of service rendered by him as Vocational Instructor has not been taken into consideration while arriving at pension and seeking to refix the pensionary benefits, the petitioner made a representation dated 03.12.2018 to the respondents and the same is pending without taking any action. Hence, the petitioner is before this Court.

4. The learned Special Government Pleader appearing for the respondents, on instructions, submitted that the representation of the petitioner would be considered on merits.

5. In such view of the matter, this Court, without going into the merits of the case, directs the respondents to consider the representation of the petitioner dated 03.12.2018 and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner.

6. The writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar (CS)

To

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Fort St. George, Chennai.

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+1cc to Mr.RAGAVENDRAN, Advocate, SR.No.52704

+1cc to M/s.Special Government Pleader,SR.No.52915

W.P.(MD)No.5444 of 2019

MJ

KK/SAR-/27.03.2019/3P-8C

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