



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **30.07.2019**

CORAM:

THE HONOURABLE MR.JUSTICE **D. KRISHNAKUMAR**

W.P(MD)No.5771 of 2018 and

WMP(MD).No.5657 of 2018

S. Muthupetchi

... Petitioner

Vs.

1. The Accountant General of Tamil Nadu,  
O/o. the Accountant General of Tamil Nadu,  
361, Anna Salai, Teynampet, Chennai - 600 018.

2.The Commissioner of Corporation,  
Corporation of Madurai, Madurai - 625 002.

3.The Educational Officer,  
Madurai Corporation, Madurai - 625 002.

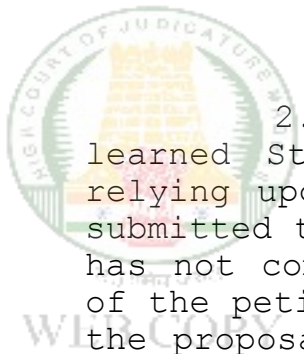
... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records of the petitioner's service book maintaining by the 2<sup>nd</sup> respondent, directing the 3<sup>rd</sup> respondent to regularize the petitioner's service falsely mentioned in the recommendation letter to the 1<sup>st</sup> respondent in Na.Ka.No.A1/007915/15, dated 14.10.2015 quash the same and consequently, direct the 2<sup>nd</sup> respondent to calculate the petitioner's date of retirement from her date of birth and direct the 2<sup>nd</sup> and 3<sup>rd</sup> respondents to add the petitioner's two years prior retirement salary in the petitioner's Service Book and direct the respondents to pay the regular time scale of pay with all attendant, monetary service benefits and terminal benefits and family pension to the petitioner.

|                |                     |
|----------------|---------------------|
| For Petitioner | : Mr.T. Selvam      |
| For R1         | : Mr.P. Gunasekaran |
| For R2 and R3  | : Mr. R. Murali     |

### **ORDER**

This Writ Petition has been filed to call for the records of the petitioner's service book maintained by the 2<sup>nd</sup> respondent, directing the 3<sup>rd</sup> respondent to regularize the petitioner's service falsely mentioned in the recommendation letter to the 1<sup>st</sup> respondent in Na.Ka.No.A1/007915/15, dated 14.10.2015 and quash the same and consequently, to direct the 2<sup>nd</sup> respondent to calculate the petitioner's date of retirement from her date of birth and direct the 2<sup>nd</sup> and 3<sup>rd</sup> respondents to add the petitioner's two years prior retirement salary in the petitioner's Service Book and direct the respondents to pay the regular Time Scale of Pay with all attendant, monetary service benefits and terminal benefits and family pension to her.



2. Today, when the matter is taken up for hearing, the learned Standing Counsel appearing for the respondents 2 and 3 relying upon communication of the 3<sup>rd</sup> respondent, dated 28.01.2016, submitted that the first respondent has informed that the petitioner has not completed the qualifying service and therefore, the claim of the petitioner for granting pension to her was rejected, based on the proposal submitted by the 2<sup>nd</sup> respondent. He further submitted that the above said order has not been challenged by the petitioner and hence, the Writ Petition is not maintainable.

3. In view of the above fact that the Writ Petitioner has not challenged the aforesaid order dated 28.01.2016, passed by the 3<sup>rd</sup> respondent, this Court is not inclined to entertain this petition.

4. Accordingly, this Writ Petition is dismissed as not maintainable. It is open to petitioner to challenge the above said order, if so advised. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS )

To

1. The Accountant General of Tamil Nadu,  
O/o. the Accountant General of Tamil Nadu,  
361, Anna Salai, Teynampet, Chennai - 600 018.

2.The Commissioner of Corporation,  
Corporation of Madurai, Madurai - 625 002.

3.The Educational Officer,  
Madurai Corporation, Madurai - 625 002.

+1 CC to M/s.P.GUNASEKARAN, Advocate SR-78593.

+1 CC to M/s.R.MURALI, Advocate SR-78738.

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CS(01.10.2019) 2P 6C