



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Special Original Jurisdiction)

Wednesday, the Fourth day of December Two Thousand and Nineteen

WEB COPY

PRESENT

The Hon'ble Mrs.Justice J.NISHA BANU

WMP (MD) . No.22247 of 2019

in

WP (MD) .No.8262 of 2012

V. Krishnamoorthy

...Petitioner/Petitioner

Vs

- 1 Accountant General, Pension and Accounts Dept.,
261 Anna Salai, Teynampet, Chennai-18.
- 2 The Secretary to Govt. of Tamil Nadu, Dept. of Highways
Chennai - 600 009.
- 3 Divisional Engineer Highways and Rural Works Dept.,
Divisional Engineer Office, Mannarpuram, Tolgate Trichy-20.
- 4 The Assistant Divisional Engineer, Highways Dept.
Construction and Maintenance Thuraiyur.

...Respondents/Respondents

Prayer in WMP (MD) . No.22247 of 2019 :-

Writ Miscellaneous Petition is filed under Article 226 of the Constitution of India, praying this Court to Restore the above WP in WP (MD) No.8262 of 2012 which was dismissed for default on 30.08.2019.

Prayer in WP (MD) .No.8262 of 2012 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF CERTIORARIFIED MANDAMUS, to call for the records of the 4th Respondent in Na.Ka.No.6/2012/A2/ dated 23-02-2012 and quash the same and consequently direct the Respondents to re-fix the Pension of the Writ Petitioner by including the left out service period of 8 years, 9 months and 20 days as road inspector along with already reckoned service of 22 years and 6 months and grant to the Petitioner full Pension along with appropriate gratuity, commutation amount and other benefits from the date of retirement i.e. from 30-04-1995.



ORDER:-

Writ Miscellaneous Petitions is coming on for hearing on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.B.Prahalad Ravi, Advocate for the Petitioner and of Mr. P.Gunasekaran, Advocate for the 1st Respondent and of Mr.S.Dhayalan, Government Advocate on behalf of the respondents No.2 to 4, this Court made the following order:

This petition has been filed by the petitioner seeking to set aside the dismissal order dated 30.08.2019 and restore W.P(MD). No.8262 of 2012 which was dismissed for non-prosecution.

2.The learned counsel appearing for the first respondent and the learned Government Advocate appearing for the respondents 2 to 4 have no objection for allowing this petition.

3.Being satisfied with the reasons stated in the affidavit filed in support of the petition, the dismissal order dated 30.08.2019 passed in W.P(MD).No.8262 of 2012 is set aside and W.P (MD)No.8262 of 2012 is restored to file.

4.This petition is ordered accordingly.

5.Registry is directed to post the W.P(MD).No.8262 of 2012 for hearing on 11.12.2019.

Sd/-

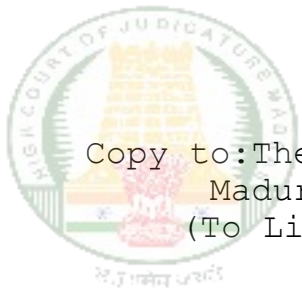
Assistant Registrar()

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Sub Assistant Registrar(CS)

TO

- 1 Accountant General, Pension and Accounts Dept.,
261 Anna Salai, Teynampet, Chennai-18.
- 2 The Secretary to Govt. of Tamil Nadu, Dept. of Highways
Chennai - 600 009.
- 3 Divisional Engineer Highways and Rural Works Dept.,
Divisional Engineer Office, Mannarpuram, Tolgate Trichy-20.
- 4 The Assistant Divisional Engineer, Highways Dept.
Construction and Maintenance Thuraiyur.



Copy to: The Section Officer, Writ Section,
Madurai Bench of Madras High Court, Madurai
(To List the Main cases on 11/12/2019)

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ORDER DATED : 04/12/2019

HEARING DATED : 11/12/2019

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Restoration
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WMP (MD) . No.22247 of 2019
in
WP (MD) .No.8262 of 2012

Giving direction and etc.
as stated within.

NS (CO)
TR (09.12.2019) 3P C