

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.29081 of 2013

&

M.P.NO. 1 OF 2013

P.Chitra

... Petitioner

Vs.

1.The Secretary to Government,
Municipal Administration &
Water Supply Department,
Fort St.George,
Chennai - 600 009.

2.The Commissioner of Municipal Administration,
Chepauk,
Chennai - 5.

3.The Commissioner,
Rasipuram Municipality,
Rasipuram.

4.The Head Master,
Govt. High School,
Valayapattichetty,
Salem District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to count her service of 7 years from 14.08.1991 to 10.08.1998 in Rasipuram Municipality by condoning the break in service of one day on 11.08.1998 and count the same for the purpose of qualifying service for Pension within a reasonable time.

For Petitioner : Mr.M.Muthappan

For Respondents : Mr.S.Thangavel for R1 and R2
Special Government Pleader
Mr.K.Arun Babu for R3

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents to count her service of 7 years from 14.08.1991 to 10.08.1998 in Rasipuram Municipality by condoning the break in service of one day on 11.08.1998 and to count the same for the purpose of qualifying service for pension within a reasonable time.

2.The case of the petitioner is that the petitioner initially entered the service as Junior Assistant in Rasipuram Municipality on 14.08.1991. Subsequently, the petitioner was appointed as Physical Education Teacher in Government School. The petitioner resigned the post of Junior Assistant and reported duty on 12.08.1998 in the Government School with a break in service of one day on 11.08.1998.

3.According to the petitioner since there was a break in service of one day on 11.08.1998, her past service from 14.08.1991 to 10.08.1998 in Rasipuram Municipality will not be counted for calculation of pension. Hence, the petitioner made representation dated 03.12.2012 to the respondents seeking to count her past service from 14.08.1991 to 10.08.1998 in Rasipuram Municipality for the purpose of qualifying service for pension by condoning the break in service of one day on 11.08.1998. Since no orders were passed on the said representation, the petitioner has filed this writ petition.

4.The learned counsel appearing for the petitioner would submit that without going into the merits of the case, it would suffice, if this Court issues direction to the respondents to consider the petitioner's representation dated 03.12.2012 and to pass appropriate orders, within a reasonable time frame.

5.Considering the limited request now made by the learned counsel appearing for the petitioner, this Court directs the respondents to consider the petitioner's representation dated 03.12.2012 and to pass appropriate orders on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order.

6.The writ petition is accordingly disposed of. No costs. Consequently, connected miscellaneous petition, if any, is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

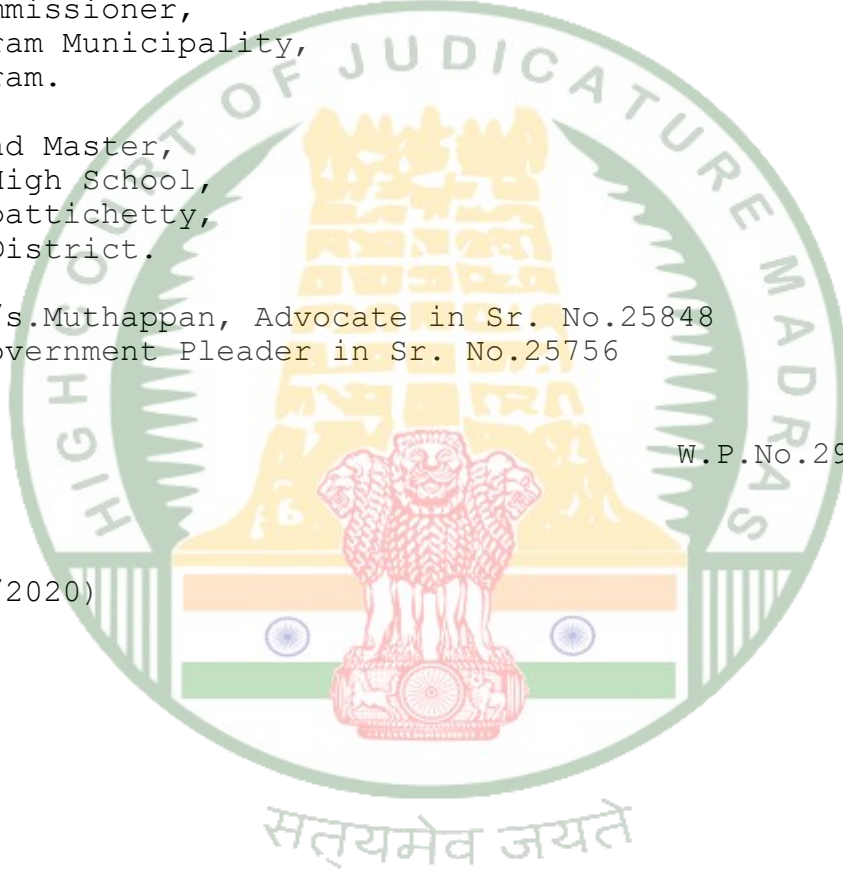
To

1. The Secretary to Government,
Municipal Administration &
Water Supply Department,
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Chennai - 600 009.
2. The Commissioner of Municipal Administration,
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Chennai - 5.
3. The Commissioner,
Rasipuram Municipality,
Rasipuram.
4. The Head Master,
Govt. High School,
Valayapattichetty,
Salem District.

+1cc to M/s.Muthappan, Advocate in Sr. No.25848
+1cc to Government Pleader in Sr. No.25756

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RSV (CO)
RV (02/09/2020)



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