

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Writ Petition No.6351 of 2013

V.Bakthavatsalu

... Petitioner

vs.

1. The Secretary,
Government of Tamil Nadu,
Rural Development & Panchayat Department,
Fort St. George, Chennai - 600 009.
 2. The Commissioner cum Director,
Rural Development, Kuralagam,
Chennai.
 3. The Commissioner cum Block
Development Officer,
Diwan Bazaar, Arcot,
Vellore District.
 4. Accountant General of Tamil Nadu,
Teynampet, Chennai.
(R4 is suo-moto impleaded as per
Order dated 24.10.2016 in MP.1 of 2015
in WP.No.6351 of 2013.)
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to count 50% of service of the petitioner from 10.01.1986 - 25.06.2000 along with regularized service from 26.06.2000 to 21.12.2012 toward qualifying service of the petitioner for pensionary benefits and direct the respondents to forward pension proposal and consequently grant all monetary benefits including arrears within a time frame and pass other orders in the light of the judgment dated 20.09.2010 made in Writ appeal No.1702/2010 and as per Rule 11 (A) of Tamil Nadu Pension Rules.

(Prayer amended as per order dated 24.11.2016 in WMP.No.33410 of 2016 in WP.No.6351 of 2013.)

For Petitioner	:	Mr.T.Aananthi
For R1 & R2	:	Mr.S.Thangavel, Spl.GP
For R3	:	Mr.R.Govindasamy
For R4	:	Mr.Vijay Shankar

ORDER

Petitioner has come up with this Writ Petition seeking a direction to the respondents to count 50% of service of the petitioner from 10.01.1986 to 25.06.2000 along with regularized service from 26.06.2000 to 21.12.2012 as qualifying service for pensionary benefits and direct the respondents to forward pension proposal and consequently grant all monetary benefits including arrears within a time frame to be stipulated by this Court and pass other orders as per Rule 11(A) of Tamil Nadu Pension Rules and also in the light of the judgment dated 20.09.2010 made in WA.No.1702/2010.

2. The case of the petitioner is that, the petitioner was appointed as Watchman on 10.01.1986. Subsequently, he was promoted as Office Assistant on 15.08.1997 and he retired from service with effect from 21.12.2012. As per G.O.Ms.No.22 P & AR Department dated 28.02.2006, he should have been regularised with effect from the date of original appointment i.e., on 10.1.1986, whereas he was regularized only from 26.06.2000. It is the grievance of the petitioner that his service from 10.06.1986 to 25.06.2000 for nearly 14 ½ years are left out. Hence, he made a representation dated 05.02.2013 to the first Respondent, but the same was not considered till date. Finding no other alternative, the Petitioner has come up with the present Writ Petition.

3. Learned counsel for the Petitioner submitted that, the representation dated 05.02.2013 made by the Petitioner may be directed to be considered by the first respondent and appropriate orders be passed within a reasonable time to be fixed by this Court.

4. In reply, learned counsel appearing for the respondents submitted that, he has no objection in granting such relief to the petitioner. However, he requested that the petitioner may be directed to send a copy of the representation along with this order, so as to enable the respondents to dispose of the same, within a reasonable time.

5. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court, without going into the merits of the case, directs the Petitioner herein to send a copy of the representation dated 05.02.2013 along with a copy of this order to the Respondents within a period of two (2) weeks from the date of receipt of a copy of this order. On receipt of the same, the Respondents shall consider the Petitioner's representation dated 05.02.2013 and pass appropriate orders on merits and in accordance with law, within a period of twelve (12) weeks thereafter.

6. The Writ Petition is disposed of with the above direction. No costs.

Sd/-
Asst. Registrar

//True Copy//

Sub Asst. Registrar

To

1. The Secretary,
Government of Tamil Nadu,
Rural Development & Panchayat Department,
Fort St. George, Chennai - 600 009.
2. The Commissioner cum Director,
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Chennai.
3. The Commissioner cum Block
Development Officer,
Diwan Bazaar, Arcot,
Vellore District.
4. Accountant General of Tamil Nadu,
Teynampet, Chennai.

+1cc to Government Pleader SR.No.37401

PVS (CO)
VC (19/12/2020)

W.P.No.6351 of 2013

सत्यमेव जयते

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