



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.07.2020

CORAM

THE HONOURABLE MR.JUSTICE **R.SURESH KUMAR**

W.P.(MD).No.7346 of 2020

S.Balasubramaniam

.. Petitioner

Vs.

1.The Principal Secretary to Government of Tamil Nadu  
Rural Development & Panchayat Raj Department  
Fort St. George,  
Chennai - 600 009.

2.The Director of Rural Development & Panchayat Raj,  
Panagal Building,  
Chennai - 15.

3.The District Collector,  
Madurai District @ Madurai.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to count the services rendered by the petitioner in the post of Panchayat Clerk, for the period 1991 to 2003 for the purpose of pension and other terminal benefits and refix the same by considering the representation given by the petitioner dated 10.06.2020, within a period stipulated by this Hon'ble Court.

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|-----------------|---------------------------------------------|
| For Petitioner  | : Mr. N.Sathish Babu                        |
| For Respondents | : Mr. A.Thiyagarajan<br>Government Advocate |

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### **O R D E R**

The Prayer sought for in this Writ Petition is to issue a Writ of Mandamus directing the respondents to count the services rendered by the petitioner in the post of Panchayat Clerk, for the period from 1991 to 2003 for the purpose of pension and other terminal benefits and refix the same by considering the representation given by the petitioner dated 10.06.2020.

2. Heard Mr.N.Sathish Babu, learned counsel appearing for the petitioner, who would submit that the period worked by the petitioner as panchayat Clerk i.e. from 02.01.1991 to 14.11.2003 shall also be counted for pensionary benefits of the petitioner.



3.The learned Counsel appearing for the petitioner would further submit that similar issues have already been decided in number of cases by this Court, where, the past services have also been taken into account for the purpose of pensionary benefits. Therefore, the learned Counsel for the petitioner would submit that, if the representation of the petitioner, dated 10.06.2020, is directed to be considered by the respondents and an order to that effect is directed to be passed within a specified time frame that may be fixed by this Court, the petitioner would be satisfied.

4.On the other hand, Mr.A.Thiyagarajan, learned Government Advocate appearing for the respondents, would submit that the said representation of the petitioner, dated 10.06.2020, can only be considered by the respondents on merits and in accordance with law, as the petitioner cannot seek indulgence as a matter of right to calculate his past service as Panchayat Clerk from the year 1991 to 2003. Anyhow, the learned Government Advocate would submit that the issue raised by the petitioner through the representation, dated 10.06.2020, would be disposed of within a period that may be fixed by this Court.

5. Having regard to the said submissions and the representation made by both sides and the innocuous nature of the prayer sought for by the petitioner through his counsel, this Court is inclined to pass the following order :

"that the respondents especially 3<sup>rd</sup> respondent is hereby directed to consider the representation of the petitioner dated 10.06.2020, on merits and in accordance with law, with regard to the grievance of the petitioner for pensionary benefits and pass orders therein, within a period of twelve weeks from the date of receipt of a copy of this order."

6. With this direction, this writ petition is disposed of.  
No costs.

Sd/-

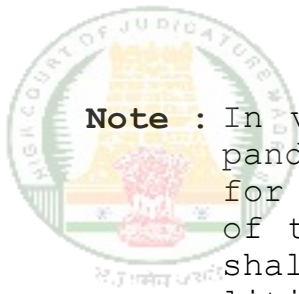
Assistant Registrar (AD-II)

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Sub Assistant Registrar(CS )

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**Note :** In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

WEB COPY

To

1. The Principal Secretary to Government of Tamil Nadu  
Rural Development & Panchayat Raj Department  
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Chennai - 600 009.
2. The Director of Rural Development & Panchayat Raj,  
Panagal Building,  
Chennai - 15.
3. The District Collector,  
Madurai District @ Madurai.

ORDER MADE IN  
W.P. (MD) .No.7346 of 2020  
06.07.2020

CS (14.07.2020) 3P 4C