



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.10.2020

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P(MD) .No.15075 of 2020

P.Vijayakumar

... Petitioner

Vs.

1.The Madurai Kamaraj University
through its Registrar,
Palkalaipudur,
Madurai 625 021.

2.The Assistant Director of Local Fund Audit,
The Madurai Kamaraj University,
Palkalaipudur,
Madurai 625 021.

3.The Accountant General of Tamilnadu,
Anna Salai,
Chennai.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents to take into account the petitioner's temporary services from 19.01.1982 to 15.03.1990 as Works Inspector Grade I in the first respondent University for the purpose of his retiral benefits and accordingly, re-fix the pension of the petitioner.

For Petitioner	: Mr.AL.Kannan
For R1 & R2	: Mr.Ragadeesh Kumar for M/s. Isaac Chambers
For R3	: Mr.P.Gunasekaran

O R D E R

This writ petition has been filed for issuance of a writ of Mandamus directing the respondents to take into account the petitioner's temporary service from 19.01.1982 to 15.03.1990 as Works Inspector Grade-I in the first respondent University for the purpose of his retiral benefits and re-fix the pension of the petitioner.

2. The grievance of the petitioner is that the temporary service rendered by him from 21.01.1982 to 15.03.1990 should be included for the purpose of terminal benefits and re-fix the pensionary benefits. But, the first respondent has not taken these services, while fixing the pensionary benefits of the petitioner. Therefore, he made a representation to the first respondent, dated 27.06.2019, to re-fix the pensionary benefits, by considering the



temporary service rendered by the petitioner from 21.01.1982 to 15.03.1990. But however, the first respondent has not taken any steps to dispose of the representation of the petitioner dated 27.06.2019.

3. The learned counsel appearing for the petitioner would submit that the first respondent, vide proceedings dated 30.03.2017, informed that the service rendered by the petitioner from 21.01.1982 to 15.03.1990 will be treated as qualifying service. He would further submit that the temporary service rendered by the petitioner's colleague viz., Mani has been considered for the purpose of terminal benefits, consequent to the order passed by this Court in W.P.(MD).No.4157 of 2018. However, the petitioner's request was not considered so far. Hence, he approached this Court by filing this writ petition.

4. Mr.Ragadeesh Kumar, learned counsel appearing for the respondents 1 and 2 would submit that the second respondent will consider the representation of the petitioner and pass appropriate orders.

5. In view of the submissions made by the learned counsel for the petitioner as well as the learned counsel appearing for the respondents, this Court is of the view that the first respondent has recognised the temporary service rendered by the petitioner from 21.01.1982 to 15.03.1990 and this Court, by order dated 20.03.2018, in W.P.(MD).No.4157 of 2018, directed the first respondent to consider the claim of the similarly placed person viz., Mani for the purpose of pensionary benefits. Therefore, this Court directs the first respondent to dispose of the representation of the petitioner, dated 27.06.2019, by keeping the order passed by this Court in W.P.(MD).No.4157 of 2018, dated 20.03.2018, and the proceedings of the first respondent, dated 13.10.1995, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

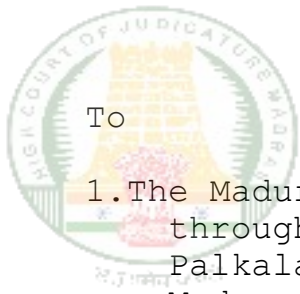
Assistant Registrar (CSI)

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Sub Assistant Registrar(CS)

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To

1.The Madurai Kamaraj University
through its Registrar,
Palkalaipudur,
Madurai 625 021.

2.The Assistant Director of Local Fund Audit,
The Madurai Kamaraj University,
Palkalaipudur,
Madurai 625 021.

3.The Accountant General of Tamilnadu,
Anna Salai,
Chennai.

+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-20920[F] dated 03/11/2020
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