



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.(MD)No.18834 of 2020

Natarajan

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep. by its Secretary to Government,
Highways Department,
Fort St.George,
Chennai-600 009.

2.The Accountant General (A&E),
361, Anna Salai, Teynampet,
Chennai-600 018.

3.The Chief Engineer,
Highways Department,
Chennai-600 005.

4.The Divisional Engineer,
Construction and Maintenance,
Highways Department,
Palani,
Dindigul District.

5.The Superintending Engineer,
Highways and Rural Works Department,
Madurai,
Madurai District.

6.The Assistant Divisional Engineer,
Highways Department,
Ottanchathiram Sub Division,
Ottanchathiram,
Dindigul District.

... Respondents

PRAYER : This Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the third respondent to count the break of service in respect of petitioner for the period from 01.10.1991 to 11.06.1998 and to count half of the service rendered by the petitioner as NMR Mazdoor from 02.01.1984 to 1991 as qualifying service for calculating pension based on the petitioner's representation dated 13.02.2020.



For Petitioner : Mr.G.Gomathi Sankar
For Respondents : Mr.A.Thiagarajan
Government Advocate

O R D E R

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By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2.The learned counsel appearing for the petitioner would submit that the petitioner has given a representation on 13.02.2020 seeking the relief to count the break of service for the period from 01.10.1991 to 11.06.1998 and to count half of the service rendered by him as NMR Mazdoor from 02.01.1984 to 1991 as qualifying service for calculating pension. Though the petitioner has given a representation in the month of February 2020, the same has not been considered by the respondents till date. Further, the issue was already came up for hearing before the Full Bench of this Court and before the learned Single Judge of this Court and they have categorically held that half of the temporary services rendered by an employee shall be counted for the purpose of conferment of pensionary benefits. Therefore, the issue is no more *res integra*.

3.The learned Government Advocate appearing for the respondents would fairly submit that the representation of the petitioner will be considered on merits and in accordance with law.

4.In view of the submissions made by the learned counsel appearing on either side, this Court directs the petitioner to furnish the copy of the citation referred before this Court to the third respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the third respondent is directed to dispose of the petitioner's representation dated 13.02.2020 within a period of eight weeks thereafter, on merits and in accordance with law.

5.With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

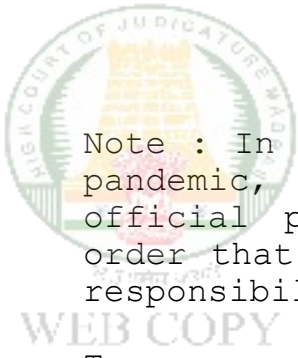
Assistant Registrar (CS-III)

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/ /2021

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.

To:-

- 1.The Secretary to Government,
Government of Tamil Nadu,
Highways Department,
Fort St.George, Chennai-600 009.
- 2.The Accountant General (A&E),
361, Anna Salai, Teynampet,
Chennai-600 018.
- 3.The Chief Engineer,
Highways Department,
Chennai-600 005.
- 4.The Divisional Engineer,
Construction and Maintenance,
Highways Department,
Palani,
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- 5.The Superintending Engineer,
Highways and Rural Works Department,
Madurai,
Madurai District.
- 6.The Assistant Divisional Engineer,
Highways Department,
Ottanchathiram Sub Division,
Ottanchathiram,
Dindigul District.

+1CC to M/s.SPL GP,SR.No.27076,dated 23/12/2020

+1CC to M/s.G.Gomathi Sankar,Advocate,SR.No.26982 dated 23/12/2020

W.P.[MD]No.18834 of 2020
22.12.2020

SR(CO)
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