



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.12.2020

CORAM:

THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.[MD]No.19353 of 2020

WEB COPY

M.Raajaiyan

... Petitioner

Vs.

1.The Secretary,
Education Department,
St.George Fort,
Chennai-600 009.

2.The Director of Elementary Education,
College Road,
Chennai-600 006.

3.The Chief Education Officer,
Kanyakumari District,
Nagercoil.

4.The District Educational Officer,
Thiruvattar Education District,
Marthandam-629 165.
Kanyakumari District.

... Respondents

PRAYER : This Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, to direct the respondents to count 50% of the service rendered by the petitioner in the post of Sweeper in the respondent from 01.12.1992 to 30.11.2002 together with the regular service rendered w.e.f. 01.12.2002, as qualifying service for pension and release arrears thereon coupled with all other attendant benefits, within a reasonable time as may be specified by this Court.

For Petitioner : Mr.C.K.M.Appaji

For Respondents : Mr.A.Thiagarajan
Government Advocate

O R D E R

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

2.The writ petition has been filed to direct the respondents to count 50% of the service rendered by the petitioner in the post of Sweeper from 01.12.1992 to 30.11.2002 together with the regular service rendered w.e.f. 01.12.2002, as qualifying service for



pension and release arrears thereon coupled with all other attendant benefits, within a reasonable time as may be specified by this Court.

3.The learned counsel appearing for the petitioner would submit that the petitioner was originally appointed as part time Sweeper in the Government Primary School, Idaicode, Kanyakumari District on 01.12.1992. Subsequently, the petitioner was placed in regular time scale of pay of Rs.2550-55-2660-60-3200 w.e.f 01.12.2002, as per the proceedings of the second respondent, dated 14.06.2013. In the mean time, the petitioner attained the age of superannuation and he retired from service on 31.08.2009. Thereafter, the petitioner made a representation on 26.08.2019, wherein he requested the respondents to count 50% of his service rendered by him before the date of regularization from 01.12.1992 to 30.11.2002 along with his regular service rendered w.e.f 01.12.2002 as qualifying service for pension. However, the said representation has not been considered, so far. Hence, he approaches this Court to pass appropriate order.

4.The learned Government Advocate appearing for the respondents would fairly submit that representation of the petitioner will be disposed of within a period of eight weeks on merits and in accordance with law.

5.In view of the submissions made by the learned counsel appearing on either side, this Court directs the respondents to consider the petitioner's representation dated 26.08.2019 and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order on merits and in accordance with law.

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

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cp

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:-

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+1cc to SPL GP SR.No.27266

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VB (07.01.2021) 3P 6C