

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.02.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.3779 of 2021
(Heard through VC)

S.Ramachandran

..Petitioner

-vs-

- 1.The Secretary to Government,
Revenue Department,
Fort St. George,
Chennai - 600 009.
- 2.The Commissioner for Revenue Administration,
Chepauk,
Chennai - 600 005.
- 3.The District Collector,
Tiruvallur District,
Thiruvallur.
- 4.The Accountant General of Tamil Nadu,
Teynampet,
Chennai - 600 018.
- 5.The Revenue Divisional Officer,
Tiruttani Division,
Tiruttani,
Thiruvallur District,
Pin- 631 209.

..Respondents

Prayer: Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus directing the respondents to grant the full reversed pension from the date of the petitioner's retirement i.e., from 30.06.2001 to the petitioner based on the petitioner's representation dated 22.10.2020.

For Petitioner : Mr.G.Madhan Raj
For Respondents : Mr.P.V.Selvakumar
Additional Government Pleader

O R D E R

The petitioner has come up with this writ petition seeking a direction to the respondents to grant full reversed pension from the date of his retirement i.e., from 30.06.2001 to him based on the his representation dated 22.10.2020.

2. Mr.P.V.Selvakumar, learned Additional Government Pleader takes notice on behalf of the respondents.

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

4. The facts of the case is that the petitioner was working as Village Karnam in Amirthapura Village, Thiruvallur District. On 14.11.1980, the post of Village Karnam and Village Munsif were abolished. Thereafter, he was appointed as Village Administrative Officer and retired from service on 30.06.2001. According to him, he was working for 18 years 13 days as Village Karnam and for 18 years 10 months and 22 days as Village Administrative Officer, in all totalling to 36 years 11 months and 5 days. Hence, he is eligible for getting the full reversed pension from the date of his retirement. The petitioner has sent various letters and also a representation dated 22.10.2020 to the respondents. As there was no response from the respondents, the present writ petition has been filed.

5. Considering the facts and circumstances of the case and taking into account the fact that the petitioner's representation is already pending with the respondents, the writ petition is disposed of with the following directions:

i) A direction is issued to the respondents herein to consider the representation submitted by the petitioner dated 22.10.2020, if not already disposed of, and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner and other persons, if any, who are likely to be affected, as expeditiously as possible, preferably within a period of 60 days from the date of receipt of a copy of this order.

ii) In case the petitioner is unable to appear for personal hearing, the petitioner is entitled to send a written submission within a period of one month from the date of receipt of a copy of this order through registered post or speed post and the same shall be treated as personal hearing. It is made clear that the petitioner can avail the opportunity of either personal hearing or filing written submission and not both;

iii) In case the petitioner fails to appear or file a written submission in time, the respondents shall pass orders based on the available records and the petitioner, cannot at a later point of time take a stand that opportunity of being heard is not given to the petitioner;

iv) The petitioner shall furnish Mobile Number, email ID, if any, etc., along with a copy of the representation dated 22.10.2020 and this order, to the respondents forthwith;

v) The respondents are directed to communicate the decision taken on the representation, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the petitioner to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the petitioner, they will have to face the civil imprisonment in case of contempt proceedings. If they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of delivery, so that the petitioner, later on, will not take a plea that the petitioner are not aware of the order. This Court makes it very clear that the petitioner will not be entitled to even a pie as interest, as there is lot of delay in seeking the relief. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

rsi

To

- 1.The Secretary to Government,
Revenue Department,
Fort St. George,
Chennai - 600 009.
- 2.The Commissioner for Revenue Administration,
Chepauk,
Chennai - 600 005.
- 3.The District Collector,
Tiruvallur District,
Tiruvallur.

4.The Accountant General of Tamil Nadu,
Teynampet,
Chennai - 600 018.

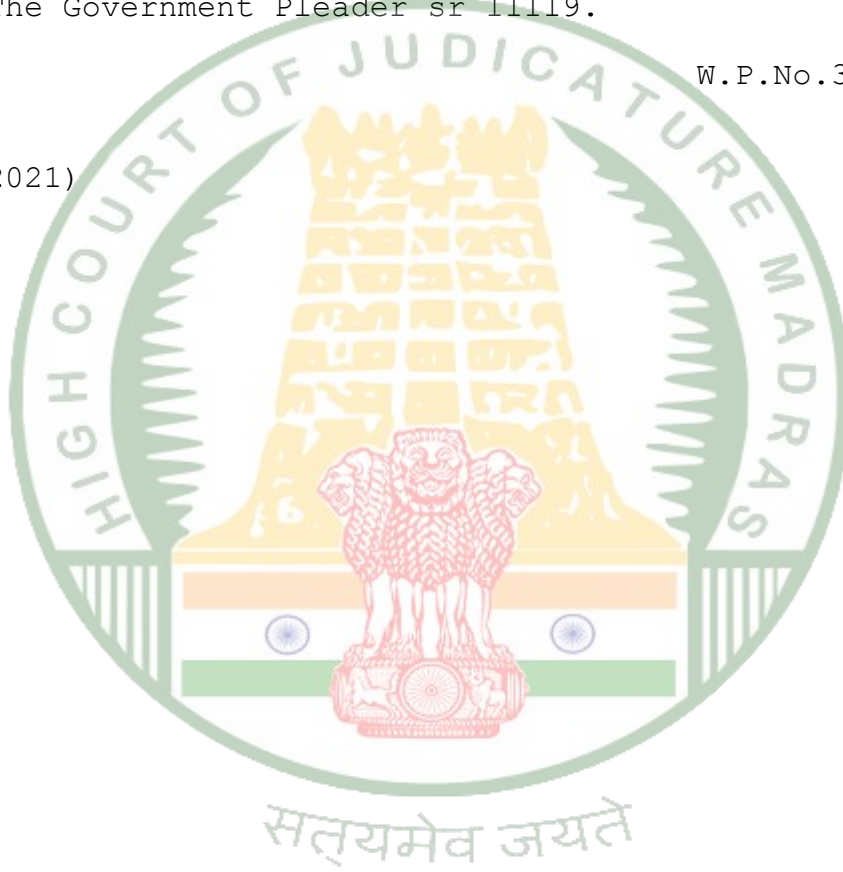
5.The Revenue Divisional Officer,
Tiruttani Division,
Tiruttani,
Thiruvallur District,
Pin- 631 209.

+1 CC to Mr. Govindababu, Advocate sr 11018.

+1 CC to The Government Pleader sr 11119.

W.P.No.3779 of 2021

MG(CO)
SP(16/04/2021)



WEB COPY