



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2021

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.14093 of 2021

and

WMP Nos.14972 and 14973 of 2021

K.Murugesan

...Petitioner

Vs

1. Government of Tamil Nadu
Represented by Secretary,
P & AR (Personnel and Administrative Reforms) Dept.,
Chennai - 600 009.

2. District Manager,
Tamil Nadu State Marketing Corporation Ltd.,
Salem.

...Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus calling for the records pertaining to proceedings in Na.Ka.No.29/2021/A-4/CV, dated 30.03.2021 issued by the 2nd respondent, quash the same and direct the 2nd respondent to extend the benefits of G.O. Ms. No.29, dated 25.02.2021 issued by the 1st respondent to the petitioner.

For petitioner

... Mr.R.Subramanian

For respondents

... Mr.C.Kathiravan,
Govt. Advocate for R1

ORDER

(Heard Video conference)

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

2. This writ petition has been filed challenging the proceedings of the second respondent dated 30.03.2021, whereby the petitioner has been retired from service on reaching the superannuation age of 58 years.



3. It is the case of the petitioner that as per G.O. Ms. No.29 (P & AR), dated 25.02.2021, issued by the Personnel & Administrative Department, he will have to retire only after he reaches the age of 60 years but under the impugned proceedings dated 30.03.2021, he has been asked to retire at the age of 58 years.

4. The learned counsel for the petitioner on instructions would submit that the petitioner has given a representation on 04.05.2021 to the second respondent requesting them to consider his superannuation as per G.O. Ms. No.29, dated 25.02.2021, which stipulates that the age of superannuation is only 60 years and not 58 years. He would submit that the petitioner is satisfied if the said representation is considered on merits and in accordance with law in the light of G.O.Ms.No.29 (P & AR), dated 25.02.2021.

5. Heard Mr.R.Subramanian, learned counsel for the petitioner and Mr.C.Kathiravan, learned Government Advocate accepts notice on behalf of the 1st respondent.

6. No prejudice would be caused to the respondents, if the representation of the petitioner, dated 04.05.2021 is considered on merits and in accordance with law.

7. For the foregoing reasons, this Court directs the respondents to consider the petitioners' representation, dated 04.05.2021 seeking to declare his age of superannuation as 60 years in the light of G.O. Ms. No.29 (P & AR), dated 25.02.2021 and pass final orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the aforesaid direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

vsi2



To

1. The Secretary,
Government of Tamil Nadu
P & AR (Personnel and Administrative Reforms) Dept.,
Chennai - 600 009.

2. The District Manager,
Tamil Nadu State Marketing Corporation Ltd.,
Salem.

+1cc to Mr.R.Subramanian, Advocate, S.R.No.32207

+1cc to the Government Pleader, S.R.No.32583

W.P. No.14093 of 2021

UM(CO)
RGA(02/08/2021)