

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.NO.29057 OF 2014

AND

M.P.NO.1 OF 2014

AND

WMP.NO.4787 OF 2016

S.Varghese

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Petitioner

Vs

1. The Government of Tamil Nadu,
Represented by its Secretary,
Municipal Administration Department,
Fort St. George,
Chennai - 600 009.
2. The Commissioner/Director,
Department of Town Panchayats,
Kuralagam,
Chennai - 600 108.
3. The District Collector,
Kanyakumari District,
Nagarcoil.

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Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 14.10.2014 in accordance with law by praying promoting the petitioner as Grade-II Executive Officer since 2008 by registering the Daily wage period from 1977 to 1991 to sanction arrears of pension and gratuity together with 12% interest to secure the ends of justice.

For Petitioner

: Mr.R.Sankarasubbu

For Respondents

: Mr.S.Thangavel

Special Government Pleader

ORDER

The prayer made in this writ petition is to direct the respondents to consider the representation of the petitioner dated 14.10.2014 in accordance with law by promoting the petitioner as Grade-II Executive Officer since 2008 by taking into account the daily wages period from 1977 to 1991 and sanction arrears of pension and gratuity together with 12% interest.

2. According to the learned counsel for the petitioner, the petitioner was appointed as daily wages water supply attender on 05.01.1977 and thereafter, worked as daily wages Record Clerk and Office Assistant from 05.01.1977 to till the date of regularisation as Bill Collector, in 1991. Thereafter, his probation as Bill Collector was declared on 06.12.2002 by relaxing Rule 34(a) r/w Annexure V of Special Rules for Tamil Nadu Ministerial Services, for the purpose of pension, as he did not complete the foundation training at Bhavanisagar within the probation period. Though he was entitled for promotion to the post of Grade II Executive Officer during 2008, he was not given the same and his efforts in this regard, evoked no response. Ultimately, he retired from service on 31.12.2008, on reaching the age of superannuation. Thereafter, by letter No.6259/Pe.Ru/2013-4 dated 25.04.2013 sent by the first respondent, the petitioner was informed that his case would be considered and appropriate orders be passed, however, no order was passed. Hence, the petitioner again submitted a representation dated 14.10.2014 to all the respondents requesting to promote him as Grade-II Executive Officer since 2008 and pay arrears of pension along with interest. Finding no response on the same, he has come up with this writ petition for the aforesaid relief.

3. On the other hand, the learned Special Government Pleader appearing for the respondents fairly submitted that if the petitioner's representation dated 14.10.2014 is pending, the same would be considered by the respondents on merits, within a stipulated time to be fixed by this Court.

4. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the respondents to consider the representation of the petitioner dated 14.10.2014, if not already considered, and pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

5. Accordingly, the writ petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

msv

To

1. The Secretary,
Government of Tamil Nadu,
Municipal Administration Department,
Fort St. George,
Chennai - 600 009.
2. The Commissioner/Director,
Department of Town Panchayats,
Kuralagam, Chennai - 600 108.
3. The District Collector,
Kanyakumari District, Nagarcoil.

+1cc to Mr.R.Sankarasubbu, Advocate, S.R.No.1002
+1cc to the Government Pleader, S.R.No.1223

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GMI (CO)
CS/08/07/2021

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