



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.5330 of 2017

N.Chandran

... Petitioner

Vs.

1.The Accountant General,
Office of the Principal Accountant General
(Accounts and Entitlement),
Tamil Nadu, Annasalai, Chennai - 10.

2.The Secretary to Government,
Finance (Pension) Department,
Secretariat, Chennai - 9.

3.The District Collector,
Pudukottai District, Pudukottai.

4.The Block Development Officer (Village Panchayat),
Panchayat Union, Aranthangi,
Pudukottai District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, to direct the respondents to sanction and disburse the eligible pension by calculating the period from 28.10.1985 to 20.12.1999 by taking half of the service of the petitioner as per G.O.Ms.No.39, Rural Development and Panchayat (E5) Department, dated 13.06.2011 along with the period from 23.12.1999 to 31.01.2016 within the time stipulated by this Court for the purpose of payment of all the terminal benefits including the computation of the pension, pension arrears and monthly pension with 18% interest per annum by considering the representation of the petitioner dated 01.03.2017.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.P.Gunasekaran
for R.1

: Mr.M.Muthugeethayan
Special Government Pleader
for R.2 & R.3

: Mr.S.Sades Kumar
for R.4

* * * * *



ORDER

This Writ Petition is filed seeking for issuance of a Writ of Mandamus, to direct the respondents to sanction and disburse the eligible pension by calculating the period from 28.10.1985 to 20.12.1999 by taking half of the service of the petitioner as per G.O.Ms.No.39, Rural Development and Panchayat (E5) Department, dated 13.06.2011 along with the period from 23.12.1999 to 31.01.2016 within the time stipulated by this Court for the purpose of payment of all the terminal benefits including the computation of the pension, pension arrears and monthly pension with 18% interest per annum by considering the representation of the petitioner dated 01.03.2017.

2. The case of the petitioner is that the petitioner was appointed as Part Time Clerk on 28.10.1985 by the Special Officer and thereafter, he was posted as Panchayat Assistant in the year 1991 and subsequently was posted as Junior Assistant in the year 1999 by the third respondent. Thereafter, considering his unblemished service, he was promoted as Accountant with effect from 10.10.2002. Thereafter, he was promoted as Deputy Block Development Officer in the year 2014. He retired from service on attaining the age of superannuation on 31.01.2016. As such, from 28.10.1985 to 01.01.1991, he was discharging his duties as a part time clerk and thereafter from 01.01.1991 to 21.12.1999, he was discharging his duties as Panchayat Assistant. Thereafter, from 22.12.1999 to 09.10.2002, he was discharging his duties as Junior Assistant. Thereafter, from 10.10.2002 to 18.02.2014, he was discharging his duties as Accountant. Thereafter from 19.02.2014 to 31.01.2016 that was till the date of his retirement, he was discharging his duty as Deputy Block Development Officer. However, after retirement, the pension payment authority did not calculate his earlier service period from 28.10.1985 to 22.12.1999 for payment of pension. Hence, the petitioner made a representation on 01.03.2017 and since no order was forthcoming, the present writ petition is filed.

3. Learned Counsel appearing for the petitioner would submit that though the representation was made by the petitioner in the year 2017 itself, the same was not considered by the authorities so far and hence, he would pray for appropriate orders.

4. Per contra, learned Special Government Pleader appearing for the respondents 2 and 3 would submit that the petitioner has not submitted his representation before the competent authority and the competent authority is "The Secretary to Government, Rural Development and Panchayat Raj Department, Secretariat, Chennai" and the petitioner has not even made the said authority as party respondent in the writ petition.



5. In view of the submissions made by the learned Special Government Pleader appearing for the respondents 2 and 3, the prayer in the writ petition cannot be granted. Accordingly, the present Writ Petition is dismissed. No costs. However, liberty is granted to the petitioner to work out his remedy in the manner known to law.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

SSL

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 Accountant General,
Office of the Principal Accountant General
(Accounts and Entitlement),
Tamil Nadu, Annasalai, Chennai - 10.
- 2.The Secretary to Government,
Finance (Pension) Department,
Secretariat, Chennai - 9.
- 3.The District Collector,
Pudukottai District, Pudukottai.
- 4.The Block Development Officer (Village Panchayat),
Panchayat Union, Aranthangi, Pudukottai District.

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-10274[F] dated 11/03/2021)

+1 CC to M/s.SPL GP (SR-10575[F] dated 11/03/2021)

W.P(MD)No.5330 of 2017

10.03.2021

vr(CO)

TR(19.03.2021) 3P 7C