



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.28971 of 2012

P.Periyasamy

...Petitioner

-Vs-

1.The State of Tamil Nadu,
Rep. by its Secretary,
Rural Development Department,
Fort St. George, Chennai - 600 009.

2.The Commissioner of Rural Development,
Panagal Buildings, Saidapet,
Chennai - 600 015.

3.The District Collector,
Salem District,
Salem.

4.The Kadayampatty Panchayat Union,
Rep. by its Commissioner,
Kadayampatty, Salem District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order of the 3rd respondent dated 16.04.2012 in Na.Ka.No. 22629/2011, Va.3 and quash the same and consequently direct the respondents to take into account of the actual service put in by the petitioner from 01.07.1996 to 30.06.1998 and to pay pension to the petitioner by passing necessary orders pursuant to the Letter of the 1st respondent dated 28.03.2000 in Letter No.26417/E5/99-5.

For Petitioner : Mr.K.Selvaraj

For R1 to R3 : Mr.C.Selvaraj,
Additional Government Pleader

For R4 : Mr.UM.Ravichandran



ORDER

With the consent of both the parties, this writ petition is taken up for final disposal.

WEB COPY

2. When the petitioner herein reached the age of superannuation from the post of Rural Medical Officer on 30.06.1996, his services were re-engaged for a further period of two years till 30.06.1998. The petitioner's claim for pensionary benefits, by including the two year period between 30.06.1996 and 30.06.1998 as service period, has now been rejected through the impugned order, stating that the total service of the petitioner is less than 10 years.

3. The learned counsel for the petitioner submitted that in the Government Letter dated 28.03.2000, it is stated that the additional period of employment after the age of 58 years requires to be treated as re-employment and if that that period is considered, the petitioner would qualify for the 10 year service period. It is his further submission that he would be satisfied if the Government is directed to consider his request, based on the Government Letter dated 28.03.2000.

4. In the light of the submission made by the learned counsel for the petitioner, no interference is required to the present impugned order. However, the petitioner is granted liberty to give a fresh representation to the first respondent herein ventilating his grievances and on receipt of the same, the first respondent shall consider it on its own merits and pass appropriate orders in accordance with law, without reference to the impugned order of the third respondent, dated 16.04.2012 and in the light of the Government Letter issued by the Secretary, Rural Development Department, dated 28.03.2000, within a period of three (3) months from the date of receipt of the representation.

5. With the above direction, the Writ Petition stands ordered. No costs.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

hvk



To

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

2.The Commissioner of Rural Development,
Panagal Buildings, Saidapet,
Chennai - 600 015.

3.The District Collector,
Salem District, Salem.

+1cc to Mr.K.Selvaraj, Advocate, S.R.No.16437

+1cc to Mr.UM.Ravichandran, Advocate, S.R.No.16313

+1cc to the Government Pleader, S.R.No.16675

W.P.No.28971 of 2012

SPD(CO)
SB(22/03/2022)