



WEB COPY

W.P.No. 24212 of 2016



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 24212 of 2016

M. Anthony Das

... Petitioner

Vs.

1. The Secretary to Government
Social Welfare & Noon Meal Programme -II
Department,
Fort St. George, Chennai – 9.

2. The Commissioner of Social Welfare
O/o Social Welfare Department,
Guindy, Chennai – 32.

3. The Secretary to Government,
Finance (Pension) Department,
Fort St. George, Chennai – 9.

... Respondents

Prayer: Writ Petition filed Under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to consider the claim of the petitioner and pass orders on the representation dated 09.05.2016 to count the service rendered by the petitioner from 1973 to 2010 as Daily wage labour, along with the service rendered as an Night Watchman from 22.04.2010 to 30.04.2016 for the purpose of pensionary benefits and grant him pension and other benefits on account of the above counting of the services within a reasonable time.



For Petitioner : Mr. K. VenkatRaman
Senior Counsel
for Mr. M. Muthappan

For Respondents : Mrs. S. Anitha
Special Government Pleader
for R1 to R3

ORDER

The writ petition has been filed for directing the respondents to consider the claim of the petitioner and pass orders on his representation dated 10.05.2016 to count the service rendered by him from 1973 to 2010 as daily wage labour along with the service rendered as Night Watchman from 22.04.2010 to 30.04.2016 for the purpose of pensionary benefits and grant him pension and other benefits on account of the above counting of the services.

2. The learned Special Government Pleader appearing for the respondents states that after filing of the writ petition, the said representation has been rejected by Order Na.Ka.No. 56106/Nir6(3) /2013 dated 10.11.2021 passed by the second respondent and its copy of the same has been produced. In such circumstances, nothing remains for further consideration in the matter. However, the petitioner is not precluded either



from challenging the said order of rejection before the proper forum or seeking for relaxation of the condition that his appointment had not been made prior to 01.04.2003 invoking Rule 82 of the Tamil Nadu Pension Rules, 1978, before the concerned authority in accordance with law.

3. In fine, the writ petition is disposed with the aforesaid observations. No costs.

11.11.2022

mrn

Index : Yes / No

Speaking order / Non-Speaking order

To

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Social Welfare & Noon Meal Programme -II
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Fort St. George, Chennai – 9.
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S.M.SUBRAMANIAM, J.

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