



WEB COPY



WP.No.17472 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.08.2022

CORAM

THE HONOURABLE MR. JUSTICE R. SURESH KUMAR

WP.No.17472 of 2018

P.Ganesan

.. Petitioner

Versus

1.The Secretary to Government,
Rural Development & Panchayat Raj
Department, Fort St. George,
Chennai – 600 009.

2.The Director of Rural Development,
Panagal Building,
Saidapet, Chennai – 600 015.

3.The District Collector,
Cuddalore District,
Cuddalore.

4.The Commissioner/Block Development Officer,
Mangalore Panchayat Union,
Cuddalore District.

.. Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus to direct the respondents to regularise



WP.No.17472 of 2018

the service of the petitioner as Road Roller Driver, w.e.f. 30.06.1982 to 20.08.2002 and grant him all pensionary benefits by taking into consideration the qualifying service rendered by the petitioner from 30.06.1982 to 20.08.2002 with arrears of pension and interest at the rate of 12% p.e. From 20.08.2002 till the date of actual disbursement.

For Petitioner : Ms.R.Deepika Sonali
for Mr.M.Muthappan

For Respondents : Mr.U.M.Ravichandran
Special Government Pleader

ORDER

The prayer sought for herein is for a writ of Mandamus to direct the respondents to regularise the service of the petitioner as Road Roller Driver, w.e.f. 30.06.1982 to 20.08.2002 and grant him all pensionary benefits by taking into consideration the qualifying service rendered by the petitioner from 30.06.1982 to 20.08.2002 with arrears of pension and interest at the rate of 12% p.e. From 20.08.2002 till the date of actual disbursement.

2.It is the claim of the petitioner that he was appointed or engaged as road roller driver at Mangalore Panchayat Union in Cuddalore District with



WP.No.17472 of 2018

effect from 30.06.1982 and in that capacity, he had been working for more than 20 years. After 20 years of service in that capacity as road roller driver, of course on temporary basis, his service was terminated with effect from 28.02.2002. As against which the petitioner has given so many representations. Ultimately, on 01.06.2017 he has given a representation requesting them to consider his plea by treating the termination order dated 28.02.2002 as a superannuation order as he has rendered more than 20 years of service by treating his total service of 20 years and above as eligible service for the purpose of service benefits by regularizing the service with effect from 30.06.1982 till 28.02.2002.

3.Though such kind of representations had been given even earlier also which seems to have not been considered, hence the petitioner has approached this Court by filing the present writ petition.

4.Heard the learned counsel appearing for the petitioner who having reiterated the aforestated would seek indulgence of this Court to issue a direction.



WP.No.17472 of 2018

WEB COPY 5. Heard Mr.U.M.Ravichandran, learned Special Government Pleader

appearing for the respondent who would submit, that it is not the superannuation after completion of 20 years and whether the petitioner had rendered continuous service of 20 years or more from 1982 to 2002 has to be verified from the service records or the NMR roll if any. Therefore, the plea raised by the petitioner cannot be granted. However, since the petitioner has given a representation on 01.06.2017, a copy of which can also be forwarded to the respondents, i.e. the District Collector concerned, who will pass orders on merits and in accordance with law within a time frame that may be stipulated by this Court.

6. Considering the limited scope of the prayer sought for herein and having regard to the said submissions made by both sides, this Court is inclined to dispose of this writ petition with the following order:

“That there shall be a direction to the respondents, especially the third respondent to consider the representation of the petitioner dated 01.06.2017 and pass



WEB COPY



WP.No.17472 of 2018

orders thereon on the plea raised by the petitioner to regularize his service as road roller drier from 30.06.1982 till 28.02.2002 and such orders shall be passed by the third respondent within a period of eight weeks from the date of receipt of a copy of this order. Enabling the third respondent to pass such orders, a copy of the representation dated 01.06.2017 and any other further documents or input which the petitioner wants to give can be annexed along with a copy of this order which shall be forwarded by the petitioner to the third respondent, who on receipt of the same shall do the needful as indicated above.

7..With the above direction, this writ petition stands disposed of.

However, there shall be no order as to costs.

10.08.2022

Internet : Yes
Index : Yes/No
cse



WP.No.17472 of 2018

WEB COPY

To

- 1.The Secretary to Government,
Rural Development & Panchayat Raj
Department, Fort St. George,
Chennai – 600 009.
- 2.The Director of Rural Development,
Panagal Building,
Saidapet, Chennai – 600 015.
- 3.The District Collector,
Cuddalore District,
Cuddalore.
- 4.The Commissioner/Block Development Officer,
Mangalore Panchayat Union,
Cuddalore District.



WEB COPY



WP.No.17472 of 2018

R.SURESH KUMAR, J.,

cse

WP.No.17472 of 2018

10.08.2022