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W.P. No.32444 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P. No.32444 of 2022

D. Ramalingam

... Petitioner

Versus

1. The Principal Accountant General,
Office of the Accountant General (A & E),
No.361, Anna Salai,
Nandanam,
Chennai – 600 035.

2. The Commissioner,
Treasury Account Department,
3rd Floor,
Peraasiriyar K.Anbazhagan Complex,
No.571, Anna Salai,
Nandanam,
Chennai – 600 035.

3. The Treasury Officer,
District Treasury Office,
Dharmapuri.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 2nd respondent to consider the representation dated 03.06.2022 in the light of the 3rd respondents recommendation vide Na.Ka.ENN/1981/2021/௮, dated 25.05.2022.



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For Petitioner : Mr.T. Panchatsaram
For Respondents : Ms.Hema Murali Krishnan,
Standing counsel for R4
Mr.E. Sundaram,
Government Advocate for
R1 to R3 & R5

ORDER

By consent of both the parties, this writ petition has been taken up for final disposal at the admission stage itself.

2. Ms.Hema Murali Krishnan, learned Standing counsel accepts notice for the 4th respondent and Mr.E. Sundaram, learned Government Advocate accepts notice for the respondents 1 to 3 and 5.

3. The grievance of the petitioner in this writ petition is that his break-in-service for the period from 06.05.1997 to 17.09.1997 has to be condoned.

4. The petitioner worked as Additional Sub-Treasury Officer in Sub Treasury Office at Harur and got superannuated on 31.01.2017. The 1st respondent by its Communication, dated 18.02.2022 to the 3rd respondent sought clarification as to whether the petitioner's break-in-service for the period from 06.05.1997 to 17.09.1997 can be condoned or not. The 3rd respondent by its Communication dated 25.05.2022 to the 2nd respondent sent a recommendation to condone the break-in-service for the period from 06.05.1997 to 17.09.1997. Since, no final orders have been passed by the 2nd



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respondent with regard to the request made by the petitioner, he has once again sent a representation on 03.06.2022 to the 2nd respondent requesting him to condone his break-in-service for the period from 06.05.1997 to 17.09.1997. Since the representation has not been considered, till date, he has filed this writ petition.

5. Heard Mr.T.Panchatsaram, learned counsel for the petitioner, Ms.Hema Murali Krishnan, learned Standing counsel for the 4th respondent and Mr.E. Sundaram, learned Government Advocate for the respondents 1 to 3 and 5.

6. No prejudice would be caused to the respondents, if the petitioner's representation as referred to supra is considered on merits and in accordance with law, within a time frame to be fixed by this Court.

7. For the foregoing reasons, this Court directs the 2nd respondent to pass final orders on the petitioner's representation dated 03.06.2022 in the light of the 3rd respondent's recommendation dated 25.05.2022 to the 2nd respondent recommending the contention of the petitioner in respect of break-in-service for the period from 06.05.1997 to 17.09.1997, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the aforesaid direction, the writ petition is disposed of. No



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Index: Yes/No

Speaking Order/Non-Speaking Order
vsi2

To

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3. The Treasury Officer,
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ABDUL QUDDHOSE, J.



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