



W.P. No.32186 of 2022

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to sanction and pay the pension and other pensionary and retirement benefits to the petitioner, by taking into account 50% of the service put in by the petitioner from 12.07.1996 to 10.07.2006 for his service as a Part-Time Sweeper along with his regular service as a Night Watchman from 11.07.2006 to 31.03.2021, to arrive at total qualifying service for pension and disburse the arrears and other pensionary benefits thereof with reasonable interest.

For petitioner : Mr.P.A.Arvinth Viveks
For respondents : Mr.S. Yashwanth,
Addl. Govt. Pleader

ORDER

By consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. Mr.S. Yashwanth, learned Additional Government Pleader accepts notice for the respondents.

3. This Writ Petition has been filed for a mandamus seeking for a direction to the respondents to sanction and pay the pension and other pensionary and retirement benefits to the petitioner, by taking into account 50% of the service put in by the petitioner from 12.07.1996 to 10.07.2006 for his service as a Part-Time Sweeper along with his regular service as a Night Watchman from 11.07.2006 to 31.03.2021, to arrive at a total



W.P. No.32186 of 2022

qualifying service for pension and disburse the arrears and other pensionary benefits thereof with reasonable interest, within a time frame to be fixed by this Court.

4. The petitioner joined public service as Part-Time Sweeper on 11.07.1996. The services of the petitioner was regularised with effect from 11.07.2006, upon completion of 10 years of service. On 07.10.2013, the 5th respondent has passed the regularisation order. Thereafter, in the month of September 2015, he was appointed as a Night Watchman and subsequently he was granted selection grade on 12.08.2016. He retired from service on 31.03.2021. He claims that the respondents will have to sanction his pay and other pensionary and retirement benefits by taking into account 50% of the service put in by him from 12.07.1996 to 10.07.2006 rendered as a Part-Time Sweeper along with his regular service as a Night Watchman from 11.07.2006 to 31.03.2021. The petitioner has given a representation on 18.11.2022 for the said purpose. Since the representation has not been considered till date, he has filed this writ petition.

5. Heard Mr.P.A.Arvinth Viveks, learned counsel for the petitioner and Mr.S. Yashwanth, learned Additional Government Pleader for the



W.P. No.32186 of 2022

respondents.

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6. No prejudice would be caused to the respondents, if the petitioner's representation as stated 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 merits and in accordance with law on the petitioner's representation, dated 18.11.2022 seeking to count half of his services rendered by him as a Part-Time Sweeper for the purpose of pension and other pensionary and retirement benefits, within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the aforesaid directions, this Writ Petition is disposed of. No costs.

30.11.2022

Index: Yes/No
Internet: Yes/No
Speaking Order/Non-Speaking Order
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To
1. The Principal Secretary to Government,
The State of Tamil Nadu,
Department of School Education,
Fort St. George,



Chennai – 9.



W.P. No.32186 of 2022

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2. The Principal Accountant General,
Office of the Accountant General (Accounts & Entitlement),
361, Anna Salai,
Teynampet,
Chennai – 600 018.

3. The Director of School Education,
College Road,
Nungambakkam,
Chennai – 600 006.

4. The Chief Educational Officer,
Vellore District,
Vellore.

5. The District Educational Officer,
Tirupathur,
Tirupathur District.



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W.P. No.32186 of 2022

ABDUL QUDDHOSE, J.

vsi2

W.P. No.32186 of 2022

30.11.2022

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