



W.P.(MD) No.2296 of 2020

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD) No.2296 of 2020
and WMP(MD) No.1949 of 2020

Gabriel

... Petitioner

-VS-

- 1.The State of Tamil Nadu
represented by its Secretary
Rural Development and Local Administration Department
Fort St. George, Chennai
- 2.The Director of Rural Development
Kuralagam
Chennai 600 108
- 3.The District Collector of Kanyakumari
At Nagercoil
Kanyakumari District.
- 4.The Commissioner,
Melpuram Panchayat Union,
Melpuram, Kanyakumari District.



W.P.(MD) No.2296 of 2020

WEB COPY

5. The Director of Local Fund Audit,
No.571 Officers' Building,
Veterinary Hospital Campus,
4th Floor, Anna Salai, Nandanam
Chennai 600 035.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records of the 5th respondent pertaining to his order in Pension Payment Order in P.P.O.No.21933(P.U.P) dated 28.12.2005 in R.Dis.No.56388/Y3/05 dt.28.12.05 on his file quash the same insofar as the same has not taken into consideration fifty percent of the periods of the petitioners service from 23.07.1971 his service on appointment as per resolution No.11 dt. 10.04.1975 and his service from 7.9.1976 and the period of his continuous service from 1.8.1978 till the regularisation of his service w.e.f 1.6.1980 and the regularization of his service from 1.5.1990 to 11.6.1990 as per the order dated 26.11.1998 of this Hon'ble Court in WP.No.3248 of 1992 on its file and hence that there is no break in his service from 01.06.1980 directing the respondents to rectify their mistake by computing all his pensionary benefits relating to his said pension payment order taking into consideration fifty per cent of the periods of his service from 23.07.1971 his service on appointment as per resolution No.11 dated 10.04.1975 and his service from 07.09.1976 and the period of his continuous service from 01.08.1978 till the regularisation of his service with effect from 01.06.1980 and taking into consideration the regularisation of his service from 01.05.1990 to 11.06.1990 as per the order dated



W.P.(MD) No.2296 of 2020

26.11.1998 of this Court in WP No.3248 of 1992 on its file and hence that there is no break in his service from 01.06.1980 and pay the arrears based on the same within a time to be fixed by this Court.

For Petitioner : Mr.K.N.Thampi

For Respondents : Mr.S.P.Maharajan for R1 to R3 and
R5
Special Government Pleader
No appearance for R4

ORDER

This writ petition has been filed challenging the impugned order dated 28.12.2005 and for a consequential direction to the respondents to rectify their mistake by computing all his pensionary benefits relating to his said pension payment order taking into consideration fifty per cent of the periods of his service from 23.07.1971 his service on appointment as per resolution No.11 dated 10.04.1975 and his service from 07.09.1976 and the period of his continuous service from 01.08.1978 till the regularisation of his service with effect from 01.06.1980 and taking into consideration the regularisation of his service from 01.05.1990 to 11.06.1990 as per the order dated 26.11.1998 of this Court in WP No.3248 of 1992 on its file and hence



W.P.(MD) No.2296 of 2020

that there is no break in his service from 01.06.1980 and pay the arrears based on the same.

2. When the matter was taken up for hearing, the learned counsel for the petitioner would submit that during the pendency of the writ petition, the petitioner died and since the legal heirs has not come forward to represent the petitioner, he prays for appropriate orders. The said statement is recorded.

3. This writ petition is filed for computing the pensionary benefits of the petitioner. Since it is reported that the petitioner died, this writ petition is dismissed as abated. However, liberty is granted to the legal heirs to pursue their remedy, if they are so advised. No costs. Consequently connected Miscellaneous Petition is closed.

20.12.2022

Index : Yes/No
Internet : Yes
RR



W.P.(MD) No.2296 of 2020

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Chennai 600 108

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At Nagercoil
Kanyakumari District.

4. The Commissioner,

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W.P.(MD) No.2296 of 2020

M.DHANDAPANI, J.

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W.P.(MD) No.2296 of 2020

20.12.2022