



W.P.No.1417 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 23.01.2023**

**CORAM:**

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH**

**W.P.No.1417 of 2023**

Dr.R.Sivalingam

...Petitioner

**Vs.**

1. The Government of Tamil Nadu  
Rep. By its Secretary  
Principal Secretary to Government,  
Rural Development and Panchayat Raj Department,  
Secretariat, Chennai - 600 009
2. The Director of Rural Development and Panchayat Raj,  
Chennai 600 015.
3. The District Collector,  
Dharmapuri.
4. The Block Development Officer,  
Karimangalam Panchayat Union, Karimangalam,  
Dharmapuri District.
5. The Director of Local Fund Audits,  
Chennai 600 035

...Respondents

**PRAYER:** Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus, directing the respondents herein to count 50% of the services of the petitioner rendered in non-provincial



W.P.No.1417 of 2023

establishment from 31.08.1976 to 30.09.1984 along with my regular service from 01.10.1984 to 31.10.2013 to arrive at the total qualifying service for pension and on that basis revise his pensionary benefits and disburse my arrears thereby all within a time frame.

For Petitioner : Mr.R.Thamaraiselvan

For Respondents : Mr.Stalin Abhimanyu  
Additional Government Pleader

### **ORDER**

Mr.Stalin Abhimanyu, learned counsel takes notice on behalf of respondents.

2. This writ petition has been filed for the issue of writ of Mandamus directing the respondents to consider the representation made by the petitioner and to count 50% of the services rendered by the petitioner for the period from 13.08.1976 to 30.09.1984 and count the same along with regular services rendered by the petitioner for the purposes of qualifying the petitioner for receipt of pension and pay the attendant benefits to the petitioner.

3. The case of the petitioner is that he was appointed as



W.P.No.1417 of 2023

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a Rural Medical Officer in the year 1976 on a consolidated pay. Ultimately, the petitioner was placed in the regular time scale of pay only in the year 1998. The petitioner was also granted selection grade and his pay was revised and he was also permitted to draw the arrears of pay from the year 1994.

4. The petitioner attained superannuation on 31.03.2003 and retired from service. Thereafter, the petitioner has been making repeated representations to take into consideration the 50% of services rendered by him on consolidated basis from the year 1976 to 1984. Since the same was not considered by the respondentS, the present writ petition has been filed before this Court seeking for appropriate directions.

5. Heard Mr.R.Thamaraiselvan, learned counsel for the petitioner and Mr.Stalin Abhimanyu, learned Additional Government Pleader for respondents.

6. Taking into consideration the limited relief sought for



W.P.No.1417 of 2023

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in this writ petition and without going into the merits of the case, there shall be a direction to the 2<sup>nd</sup> respondent to consider the representation made by the petitioner on 16.09.2022 and deal with the same on its own merits and in accordance with law and take a decision within a period of six weeks from the date of receipt of the copy of this order.

7. The petitioner is directed to make a fresh representation to the 2<sup>nd</sup> respondent along with all relevant documents and also a copy of this order. This writ petition is disposed of with the above directions. No costs.

**23.01.2023**

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Index:Yes/No

Internet:Yes/No



W.P.No.1417 of 2023

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W.P.No.1417 of 2023

**N.ANAND VENKATESH, J.,**

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**W.P.No.1417 of 2023**

**23.01.2023**