



W.P.No.4458 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2023

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.4458 of 2023

P.Nallamuthu

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Rural Development and Panchayat Raj Department,
Fort St. George,
Chennai – 600 009.
- 2.The Director of Rural Development and Panchayat Raj,
Panagal Building,
Saidapet,
Chennai – 600 015.
- 3.The District Collector,
Ariyalur District,
Ariyalur.
- 4.The Principal Accountant General (A & E)
Tamil Nadu
No.361, Anna Salai,
Chennai – 600 018.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to extend the benefit of orders passed by Division Bench of this Court in Writ Appeal



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No.431 of 2016 dated 11.04.2016 and W.A.No.2358 of 2021 dated 16.12.2021 by counting 50% services rendered by the petitioner in the post of part time Panchayat Clerk from 01.02.1979 to 16.02.1995, for the purpose of granting pension along with regular service from 17.02.1995 till 30.06.2018, rendered by the petitioner.

For Petitioner : M/s.T. Hemalatha

For Respondents : Mr.E.Sundaram,
Government Advocate

ORDER

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

2. The limited prayer sought for in the present Writ Petition is for a direction to the respondents to extend the benefit of orders passed by Division Bench of this Court in Writ Appeal No.431 of 2016 dated 11.04.2016 and W.A.No.2358 of 2021 dated 16.12.2021 by counting 50% services rendered by the petitioner in the post of part time Panchayat Clerk from 01.02.1979 to 16.02.1995, for the purpose of granting pension along with regular service from 17.02.1995 till 30.06.2018, rendered by him.



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3. This Court is of the view that such a claim requires to be considered by the concerned respondent and this Court may not be justified in stepping into the shoes of the respondent to consider the same. Nevertheless, if the petitioner is granted liberty to give a representation to the respondents herein, seeking to extend the benefits of the orders dated 11.04.2016 and 16.12.2021 passed in W.A.No.431 of 2016 and W.A.No.2358 of 2021 respectively, with a consequential direction to the respondents to consider the same within a stipulated time, the ends of justice could be secured.

4. In the light of the above observations, the petitioner is granted liberty to give a representation to the respondents, ventilating his grievances and on receipt of the same, the respondents shall consider it on its own merits and pass appropriate orders in accordance with law, within a period of six (6) weeks from the date of receipt of the representation. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim made by the petitioner and it is open to the concerned respondent to consider it on its own merits.



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M.S.RAMESH,J.

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5. With the above direction, this Writ Petition stands disposed of. No costs.

21.02.2023

Speaking/Non-speaking Order

Internet: Yes/No

Index: Yes/No

Neutral Citation: Yes/No

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To

1.The Principal Secretary to Government of Tamil Nadu,
Rural Development and Panchayat Raj Department,
Fort St. George,
Chennai – 600 009.

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

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Ariyalur.

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