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W.P.No.5609 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.5609 of 2023

K.Balakrishnan

...Petitioner

Vs

1.The District Revenue Officer,
Cuddalore District,
Cuddalore.

2.The Revenue Divisional Officer,
Virudhachalam,
Cuddalore District.

3.The Tahsildar,
Virudhachalam,
Cuddalore District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to settle the retirement benefits and to pay the pension under old pension scheme by taking into account the earlier service rendered by him from 07.09.1988 to 10.03.1992 for pensionary benefits and the subsequent service rendered by him from 11.02.2003, till the date of retirement namely 30.09.2022, as per the 3rd respondent proceedings dated 21.09.2022.



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For Petitioner : Mr.S.Sivakumar

For Respondents : Mr.E.Sundaram,
Government Advocate

ORDER

With the consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

2. It is seen that when the petitioner herein had earlier sought for consideration of his representation dated 06.12.2013, this Court, by its order passed in W.P.No.41065 of 2016, dated 23.11.2016, had granted liberty to the petitioner to make a fresh representation with a consequential direction to the respondents. The relevant portion of the order reads as follows:-

"5. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim projected by the petitioner, this Court directs the petitioner to send a fresh representation along with a copy of this order to the third respondent within a period of two weeks from the date of receipt



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of a copy of this order and on receipt of the same, the third respondent is directed to consider the said representation of the petitioner for considering the earlier service rendered by him from 7.9.1988 to 10.3.1992 for pensionary benefits and the period from 10.3.1992 to 30.5.2008 to be treated as break in service and from 11.2.2003 to 3.05.2008 to be treated as duty period by relaxing the rules, and pass appropriate orders, on merits and in accordance with law, within a period of six weeks thereafter. The writ petition is disposed of accordingly. No costs."

3. Pursuant to this, the third respondent had also passed an order dated 21.09.2022, regulating the period between 11.02.2003 and 30.05.2008 as duty period. However, there is no reference to the inclusion of the period between 07.09.1988 and 10.03.1992 for pensionary benefits, as well as the period between 10.03.1992 and 30.05.2008, which was ordered by this Court to be treated as break in service.

4. In this background, the petitioner is granted liberty to make a



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fresh representation to the respondents seeking for settlement of this retirement benefits and for pension under the Old Pension Scheme and on receipt of such a representation, the respondents shall consider it in the light of the earlier order passed by this Court in W.P.No.41065 of 2016, dated 23.11.2016, as well as the proceedings of the third respondent dated 21.09.2022, and pass appropriate orders, within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above direction, the Writ Petition stands disposed of.

No costs.

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Index: Yes/No

Speaking order/Non-speaking order

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M.S.RAMESH,J.

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