



WEB COPY



W.P.No.28216 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.28216 of 2023

S.Joseph Mohan

.. Petitioner

Vs.

1. The Secretary to Government,
Public Works Department,
Secretariat, Fort St.George, Chennai – 600 009.

2. Engineer in Chief (WRO) and
Chief Engineer (General)
Public Works Department, Chepauk,
Chennai – 5.

3. Chief Engineer & Director,
Water Resources Department
Institute of Water Studies, Tharamani,
Chennai – 113.

4. Principal Accountant General,
Teynampet, Chennai – 600 018.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondents 1 to 3 to consider petitioner's representation dated 07.08.2023 and pass orders regularizing his period of service from 01.08.2012 to 10.09.2014 and send necessary pension proposal to the 4th respondent enabling the petitioner to



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receive his monthly pension and other retirement benefits with arrears and interest from the date of his retirement i.e. 31.03.2018.

For Petitioner : Mr.N.Krishna Kumar

For Respondent
Nos.1 to 3 : Mr.V.Jeevagiridharan
Additional Government Pleader

ORDER

This writ petition has been filed to direct the respondents 1 to 3 to consider petitioner's representation dated 07.08.2023 and pass orders regularizing his period of service from 01.08.2012 to 10.09.2014 and send necessary pension proposal to the 4th respondent enabling the petitioner to receive his monthly pension and other retirement benefits with arrears and interest from the date of his retirement i.e. 31.03.2018 till the date of actual payment.

2.It is the case of the petitioner that he was appointed in the respondent Department as Assistant Engineer in the year 1985. Thereafter, he was promoted to the post of Executive Engineer, in the year 2012. However, when the petitioner reported for joining duty in the promoted post, he was not issued with any posting orders citing certain



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administrative inconvenience. Therefore, the petitioner requested for revised posting orders. However, without issuing the revised posting orders, the petitioner was issued with charge memo dated 04.03.2014 stating that he failed to join the promotional post and remained absent for more than one year. Later, on enquiry, it was found that the delay was on account of administrative reasons and therefore, the charges against the petitioner were dropped. However, the interregnum period, i.e., from 01.08.2012 to 10.09.2014 has not been regularized. The petitioner retired on 31.03.2018. Since the said period has not been regularized, the pension proposal in respect of the petitioner has not been sent by the respondents 1 to 3. In this regard, the petitioner submitted his representation dated 07.08.2023. Since the same was not considered, the present writ petition has been filed.

3.Heard the learned counsel for the petitioner.

4.Mr.V.Jeevagiridharan, learned Additional Government Pleader, who takes notice for the respondents 1 to 3, submitted that the 2nd respondent will consider the representation of the petitioner on merits and pass appropriate orders.



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5. In view of the submission made by the learned Additional Government Pleader and having regard to the limited nature of the relief sought for in the writ petition, there shall be a direction to the 2nd respondent to consider the representation of the petitioner, dated 07.08.2023, on merits and in accordance with law, and pass appropriate orders, within a period of two months from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs.

29.09.2023

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Internet : Yes

Index : Yes / No

Neutral citation : Yes / No

Speaking order / Nonspeaking order



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To
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N. SATHISH KUMAR, J.
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