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W.P. No. 5485 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2024

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P. No. 5485 of 2018

N. Segadevan

... Petitioner

Vs.

1.The Secretary to the Government of Tamil Nadu,
Ministry of Health & Family Welfare,
Department of Health,
Fort St. George,
Chennai – 600 009.

2.The Director of Medical & Rural Health Services,
DMS Buildings,
Teynampet,
Chennai – 600 018.

3.The Joint Director of Health Services,
Udhagamandalam – 643 001,
The Nilgiris.

4.The Deputy Director of Health Services (TB),
Udhagamandalam – 643 001,
The Nilgiris.

... Respondents

Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the first respondent to pass orders on merits and in accordance with law relating to payment of pension pursuant to his representation dated 20.03.2017 addressed to the respondents.



For Petitioner : Mr. V. Parthiban
for M/S. Ayyar and Iyer
For Respondents : Mr. K. Tippu Sulthan,
Government Advocate

ORDER

This Writ Petition is filed seeking a direction to the first respondent to pass orders on merits and in accordance with law pursuant to his representation dated 20.03.2017 addressed to the respondents for payment of pension.

2. Learned counsel for the petitioner submits that, though the petitioner is eligible for pension under the relevant Pension Rules, the respondents are not considering the claim of the petitioner to make payment of pension by considering his representation dated 20.03.2017.

3. On the other hand, the learned Government Advocate appearing for the respondents, based on the averments made in the counter affidavits filed by the respondents 2 and 4 would submit that, as the petitioner did not acquire 10 years of qualifying service to grant pension, the petitioner is not entitle for the pension, due to the reasons that the petitioner rendered 8 years 10 months 11 days of qualifying service only. But the minimum qualifying service for pension is not less than 10 years.

4. Learned Government Advocate further submits that the representation dated



20.03.2017 has been considered by the respondents and their decision was communicated to the petitioner on 24.04.2017. But the petitioner disputing that fact and he submits that the representation of the petitioner was not considered by the respondents and the petitioner never received any communication from the respondents with respect to disposal of his representation dated 20.03.2017. Learned Government Advocate appearing for the respondents also could not produce any proof to show that the decision of the respondents on representation dated 20.03.2017 was communicated to the petitioner. In the premise, it has to be construed that the representation of the petitioner dated 20.03.2017 has not been considered till date by the respondents and it is pending with them.

5. In view of the above factual position, in the considered opinion of this Court, without going into the merits of the case at this stage, it is appropriate to direct the respondents to consider and dispose of the representation dated 20.03.2017 submitted by the petitioner to the respondents, within a reasonable time to meet the interest of justice.

6. Accordingly, this Writ Petition is disposed of with a direction to the respondents to consider and pass appropriate orders in accordance with law on the representation dated 20.03.2017 submitted by the petitioner to the respondents within a period of four weeks from today.



W.P. No. 5485 of 2016

7. There shall be no order as to costs.

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06.11.2024

Index :Yes/No

Neutral Citation :Yes/No

AT

Note: Issue order copy on 15 .11.2024

To

1.The Secretary to the Government of Tamil Nadu,
Ministry of Health & Family Welfare,
Department of Health, Fort St. George,
Chennai – 600 009.

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BATTU DEVANAND, J.

AT

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