



WEB COPY

W.P.(MD) No.9917 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.9917 of 2019

R.Chandrasekaran

... Petitioner

-VS-

1.The General Manager
Ordnance Factory
Tiruchirappalli
Tamil Nadu-620 016

2.The Assistant Works Manager
Administration
Ordnance Factory
Tiruchirappalli
Tamil Nadu-620 016

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records pertaining to the impugned order of the second respondent in No.7178/Estt(PC) dated 12.11.2016 refusing to grant civil pension, quash the same and consequentially directing the second respondent to grant civil pension to the petitioner by considering his representation dated 15.02.2017.



WEB COPY

W.P.(MD) No.9917 of 2019

For Petitioner : Mr.P.Paranthaman
For Respondents : Mr.S.Jeyasingh
Central Government Standing Counsel

ORDER

This writ petition has been filed challenging the impugned order, dated 12.11.2016, passed by the second respondent, rejecting the petitioner's request for counting his former service in the Indian Air Force with the civil service.

2. Under the impugned order, the second respondent has rejected the petitioner's request on the following grounds:

- (a) After a lapse of thirty years, the petitioner had made a request for grant of civil pension by counting his former service in the Indian Air Force.
- (b) Since the petitioner has not opted for counting of his former service in the Indian Air Force earlier, as per Rule 26(1) of CCS (Pension) Rules, 1972, resignation from service or a post, entails



WEB COPY

W.P.(MD) No.9917 of 2019

forfeiture of past service and further in terms of Rule 19 of CCS (Pension) Rules, 1972, the petitioner had not opted for counting of former Air Force service.

3. In this writ petition, the petitioner has not filed any documentary evidence to prove that he had opted for counting of his earlier Air Force Service as per Rule 19 CCS (Pension) Rules, 1972. The application said to have been submitted by him to the respondents for the said purpose has not been filed along with this writ petition. The respondents have also not admitted that such a request was made. They have also stated that the records pertaining to the petitioner are not available with them due to the long passage of time.

4. Learned Central Government Standing Counsel appearing for the respondents also drew the attention of this Court to the communication sent by the respondents to the petitioner on 24.04.2009, wherein the respondents have intimated the petitioner that he is not entitled to count his former service with the civil service for the purpose of pensionary benefits. He



W.P.(MD) No.9917 of 2019

WEB COPY

would submit that even though the petitioner was aware that the respondents have rejected his request as early as on 24.04.2009 itself, the petitioner has once again given a representation to the respondents, which has been ultimately rejected once again by the order of the respondents, dated 12.11.2016. He would also submit that on the ground of delay and laches as well, this writ petition has to be dismissed.

5. Admittedly, the petitioner has not satisfied the requirements of Rules 19 and 26(1) of the CCS (Pension) Rules, 1972, referred to in the impugned order dated 12.11.2016. The petitioner has also not filed a copy of the application, which he should have submitted to the respondents for opting to count his former service in the Indian Air Force with the civil service for the purpose of pensionary benefits, along with this writ petition. Therefore, it is presumed that the petitioner had never opted for counting his former service in the Indian Air Force with the civil service for the purpose of his pensionary benefits. The petitioner's request was also rejected by the respondents as early as on 24.04.2009, as seen from the communication of the respondents and the said letter is also not disputed by the petitioner. The petitioner has also chosen not to challenge the earlier communication of the respondents,



W.P.(MD) No.9917 of 2019

WEB COPY

dated 24.04.2009, but, instead, has chosen to file this writ petition only in the year 2019, pursuant to the impugned communication dated 12.11.2016, issued by the respondents. Therefore, apart from the fact that the petitioner has not satisfied the statutory requirements, which are reflected in the impugned communication, on the ground of delay and laches as well, this writ petition is not maintainable.

6. For the foregoing reasons, there is no merit in this writ petition.

Accordingly, this writ petition is dismissed. No costs.

25.09.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

krk

To:

1.The General Manager,
Ordnance Factory,
Tiruchirappalli,
Tamil Nadu-620 016.

2.The Assistant Works Manager,
Administration,
Ordnance Factory,
Tiruchirappalli,
Tamil Nadu-620 016.



WEB COPY



W.P.(MD) No.9917 of 2019

ABDUL QUDDHOSE, J.

krk

W.P.(MD) No.9917 of 2019

25.09.2024