



W.P(MD)No.21783 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED : 21.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE BATTU DEVANAND

W.P.(MD)No.21783 of 2023
and WMP(MD)No.24936 of 2023

Thangaswamy

...Petitioner

Vs.

1. The Secretary to the Government,
Public works department,
Fort. St. George,
Chennai – 600 009.

2. The Principal Chief Engineer,
Cum Chief Engineer (General) (PWD),
Chennai – 5.

3. The Chief Engineer (PWD),
Water Resources Organisation,
Madurai Regional Office,
Madurai.

4. The Superintending Engineer (PWD-WRO),
Tirunelveli Circle,
Tirunelveli.

5. The Executive Engineer, (PWD- WRO),
Nambiar Division,
Valliyoor, Tirunelveli District 627 117.



W.P(MD)No.21783 of 2023

6. The Assistant Executive Engineer, (PWD- ARO),
Nambiyar Sub – Division Office,
Valliyoor, Tirunelveli District 627 117.

7. The Assistant Executive Engineer (PWD),
Construction and Maintenance Sub – Division,
Tenkasi.

....Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, in the nature of a writ of Mandamus directing the respondents to sanction pensionary benefits to the petitioner as per G.O.Ms.No.183 Environment and Forest (FR-2) Department Dated 18.07.2012 and on the basis of petitioner's representation dated 06.03.2023.

For Petitioner : Mr.M.Sankar
For Respondents : Mr.P.Subbaraj
Special Government Pleader

ORDER

This writ petition is filed seeking a direction to the respondents to sanction pensionary benefits to the petitioner as per G.O.(Ms.)No.183, Environment and Forest (FR-2) Department, dated 18.07.2012 and on the basis of petitioner's representation dated 06.03.2023.



W.P(MD)No.21783 of 2023

WEB COPY

2. Heard the learned counsel for the petitioner and Mr.Subbaraj, learned Special Government Pleader appearing for the respondents and perused the materials available on record.

3. The case of the petitioner is that he joined as Mazdoor eat-I at the office of the sixth respondent in the year 1992. In his service records, his service period started from 1995 onwards. As per the petitioner, it is absolutely false. The services of the petitioner was regularized as the Assistant vide G.O.No.134/Po.Pa(C-2) Department, dated 07.05.2010 with effect from October 1995. He attained superannuation and retired from service on 30.06.2018 while working in the office of the seventh respondent.

4. The grievance of the petitioner is that if his service was regularized prior to 01.04.2003, he could have received pension. Since his service was regularized only on 01.07.2009, after lapse of 17 years from the date of his initial appointment, he was not able to get any pensionary benefits. According to the petitioner, he obtained only some terminal benefits.



W.P(MD)No.21783 of 2023

WEB COPY

5. The learned counsel for the petitioner submits that as per G.O(Ms.)No.183, Environment and Forest (FR-II) Department dated 18.07.2012 services of one M.Gopal, Ayyavu, Poongavanam and Subramani, who rendered their service from 01.01.1982 to 26.08.2009, were regularized since they have worked as daily wage workers prior to 01.04.2003 and they were provided pension and all other terminal benefits. It is the case of the petitioner that he is suffering a lot for his livelihood and to take care of his sick wife and mentally retarded son. Hence, he submitted a representation to the respondents on 06.03.2023 requesting to provide the pensionary benefits to him on par with the similarly situated persons. As there is no action from the respondents, the petitioner is constrained to file this writ petition.

6. Considering the facts and circumstances of the case and considering the relief sought by the petitioner in this writ petition with regard to consideration of his representation dated 06.03.2023 within a specific time frame only, in our considered view, it is appropriate and reasonable to consider his request to meet the ends of justice.



W.P(MD)No.21783 of 2023

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7. Accordingly, this writ petition is disposed of with a direction to the third respondent to consider the representation dated 06.03.2023 of the petitioner and to pass appropriate orders by following due process of law within a period of four weeks from the date of receipt of a copy of this order.

There shall be no order as to costs.

Consequently, connected miscellaneous petition is closed.

21.04.2025

Index : Yes / No
NCC : Yes / No
CM



W.P(MD)No.21783 of 2023

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BATTU DEVANAND, J.

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