

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI

and

THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.A. No.332 of 2015 and M.P. No.1 of 2015

- 1 The Government of Tamil Nadu
represented by its Principal Secretary
Social Welfare and Nutritious Meal Programme
Fort St. George
Secretariat
Chennai 600 009
- 2 The Principal Secretary
Revenue Department
Government of Tamil Nadu
Fort St. George
Secretariat, Chennai 600 009
- 3 The District Collector
Ariyalur District
Ariyalur
- 4 The Revenue Divisional Officer
Udayarpalayam
Ariyalur District
- 5 The Tahsildar
Jeyamkondam Taluk
Ariyalur District

Appellants

vs.

K. Elangovan

Respondent

Writ Appeal filed under Clause 15 of the Letters Patent challenging the order dated 28.11.2013 passed in W.P. No.32216 of 2013.

Writ petition filed under Article 226 of the constitution of India praying to issue a writ of mandamus directing the respondents to count 50% of the petitioners Noon Meal/ Anganwadi Services for pensionary benefits and to award pension.

For appellants Mr. P.S. Sivashanmugasundaram
Special Government Pleader

For respondent Mr. K. Shanmugam [No appearance]

JUDGMENT

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

This intra-Court appeal is directed against the order dated 28.11.2013 passed in W.P. No.32216 of 2013.

2 The aforesaid writ petition was filed by the respondent seeking a writ of mandamus directing the appellants to count 50% of his service rendered as Noon Meal Organiser/Anganwadi Worker for pensionary benefits and to award pension.

3 The learned Single Judge, recording the fact that the respondent was duly appointed as Noon Meal Organiser on 08.05.1984 in Irukailur Panchayat Union School and in continuation, he was appointed as Village Administrative Officer on 19.12.2000 and relying on G.O. Ms. No.6, Social Welfare and Noon Meal Scheme Department dated 06.01.2010, has directed the appellants to count 50% of the service rendered by the respondent as Noon Meal Organiser/Anganwadi Worker along with his regular service for the purpose of calculating pensionary benefits.

4 The case of the appellants before us is that the respondent's appointment in the post of Village Administrative Officer was a fresh appointment and as such, he is not entitled to weightage of 50% of service rendered by him as Noon Meal Organiser/Anganwadi Worker under G.O. Ms.No.6, Social Welfare and Noon Meal Scheme Department dated 06.01.2010, for the purpose of calculating pensionary benefits.

5 This case was taken up for hearing on 12.03.2015. On that day, on the request of the learned Government Advocate, time was granted to the appellants to produce documents showing the appointment of the respondent in the post of Village Administrative Officer as fresh appointment, having no continuity from the earlier appointment. The appellants have failed to produce any document except one document, wherein, there is some observation in respect of resignation of the respondent from the post of Noon Meal Organiser. Needless to state that no fresh appointment can be made without proper appointment order. It appears that no appointment order has been passed. The respondent was appointed in continuation of his service as a Noon Meal Organiser / Anganwadi Worker. As such, the learned Single Judge has rightly directed the appellants to include 50% of the respondent's service as Noon Meal Organiser, along with regular service, for the purpose of pensionary benefits. In such view of the matter, we find no reason

to interfere with the order sought to be impugned in the instant appeal.

6 The writ appeal, therefore, fails and it is accordingly dismissed. Costs made easy. Connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

cad

To

- 1 The Principal Secretary
Social Welfare and Nutritious Meal Programme
Government of Tamil Nadu
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Secretariat, Chennai 600 009
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1 cc to Government Pleader, Sr. 27375

W.A. No.332 of 2015

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