

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.04.2015

CORAM

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

W.P.No.10141 OF 2015

1 R.Kaliyamoorthy [PETITIONER]

Vs

- 1 The Government of Tamilnadu
rep. by Secretary to Government
Public Works Department,
Secretariat, Chennai-9
- 2 The Engineer-in-Chief and
Chief Engineer (General)
Public Works Department
Chepauk, Chennai-5
- 3 The Assistant Executive
Engineer Public Works Department
Cauvery Basin Sub Division
Mailaduthurai ,
Nagapattinam District. [RESPONDENTS]

Writ petition is filed under Article 226 of the Constitution of India praying for a writ of mandamus to directing the first respondent to count half of service of the petitioner on daily wage basis from 1.9.1994 to 18.10.2007 along with his regular service from 19.10.2007 to 31.10.2013 to reckon with the total qualifying service for pension and sanction pensionary benefits under the Tamilnadu Pension Rules 1978 and not to apply new Contributory Pension Scheme which came into effect from 1.4.2003 to the petitioner and disburse all monetary benefits with interest.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.Rajendraprasad
Government Advocate

O R D E R

With the consent of the learned counsel appearing on either side, the Writ Petition is taken up for final disposal at the admission stage itself.

2.The petitioner joined service in the Office of the Assistant Executive Engineer, Cauvery Basin Sub Divisin, P.W.D., Mayiladuthurai, on 01.09.1994 as N.M.R. Grade II and continued to serve as such till February 2005. His service was regularised by the

proceedings of the second respondent dated 19.11.2007, in the light of G.O.Ms.No.334, Public Works Department dated 19.10.2007 and he was absorbed as irrigation Assistant. However, the said Government Order states that the regularisation would take effect from the date of issuance of the said Government Order viz. 19.10.2007.

3.It is stated that the petitioner joined duty in the said post on 02.01.2008 and retired from service on 31.10.2013. It is further stated that the petitioner had rendered continuous service from 01.09.1994 to 31.10.2013 and as per Rule 11(2) of the Tamil Nadu Pension Rules, 1978, the petitioner is entitled to count half of the service rendered by him on daily wage basis i.e. from 01.09.1994 to 18.10.2007 for calculating pension. In this regard, the petitioner submitted a representation dated 02.03.2015 to take into account half of the service rendered by him from 01.09.1994 to 18.10.2007 on daily wage basis along with regular service as Irrigation Assistant from 19.10.2007 to 31.10.2013, in the light of several decisions of this Court in W.P.No.41624 of 2006 dated 30.09.2010; W.P.No.12656 of 2013 dated 18.06.2014 and W.P.No.33732 of 2014 dated 13.02.2015 Judgment dated 30.11.2010.

4.Taking into consideration of the aforesaid Judgments and also Rule 11(2) of the Tamil Nadu Pension Rules, the Writ Petition is allowed and the first respondent is directed to count half of service rendered by the petitioner on daily wage basis from 1.9.1994 to 18.10.2007 along with his regular service from 19.10.2007 to 31.10.2013 to reckon with the total qualifying service for pension and sanction pensionary benefits under the Tamilnadu Pension Rules 1978 and disburse all terminal benefits, within a period of twelve weeks from the date of receipt of a copy of this order.

The Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

rpa

To

1 The Secretary to Government
Government of Tamilnadu
Public Works Department,
Secretariat, Chennai-9

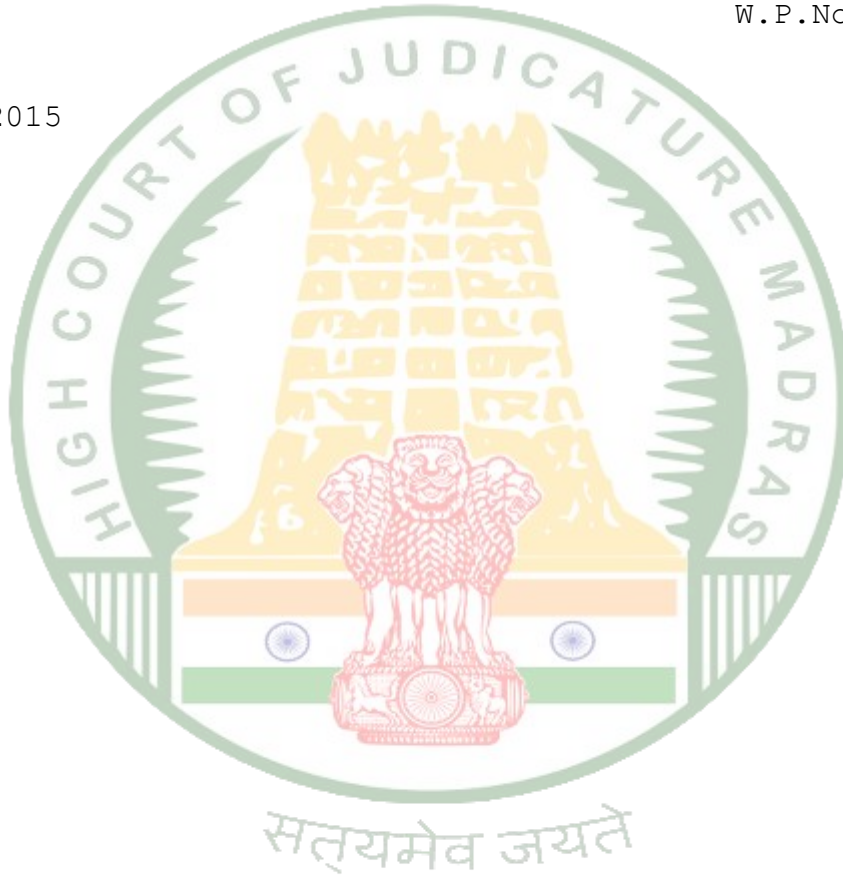
2 The Engineer-in-Chief and
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3 The Assistant Executive
Engineer Public Works Department
Cauvery Basin Sub Division
Mailaduthurai ,
Nagapattinam District.

+ 1 cc to Mr.M.Ravi Priya Ravi, Advocate, Sr.19388
+ 1 cc to Government Pleader Sr.19689

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CTK(CO)
Eu 22.04.2015



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