

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2015

CORAM:

THE HON'BLE MR.JUSTICE D. HARIPARANTHAMAN

W.P.No.12548 of 2015

A.Murugan

.. Petitioner

vs.

1. The State of Tamil Nadu,
rep. by its Secretary to Government,
Municipal Administration and
Water Supply Department,
Fort St. George, Chennai - 600 009.
2. The Commissioner of Municipal Administration,
Chepauk, Chennai - 600 005.
3. The Commissioner,
Tirunelveli Municipal Corporation,
Tirunelveli.
4. The Assistant Commissioner (General),
Palayamkottai,
Tirunelveli (D.T),
5. The Principal Accountant General of T.N.,
Accounts and Entitlement,
O/o.The Accountant General,
Teynampet, Chennai - 600 018.

.. Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorarified Mandamus to call for the records of the fourth respondent in proceeding No.C.1.5200/2011, dated 13.01.2012 and quash the same and direct the 1st to 4th respondents to count half of the service rendered by the petitioner from the date of joining in service as electrician i.e. on 1.02.1986 to 27.08.2007 along with regularised service rendered by the petitioner as unskilled worker from 28.08.2007 to 30.04.2011 as qualifying service and send the revised proposals to the 5th respondent to grant pension with all consequential service benefits and arrears with interest.

For Petitioner : Mr.P.Rajesh
For Respondents : Mr.V.Jayaprakash Narayanan
Special Govt. Pleader for RR 1
and 2
Mr.S.Kandasamy for RR3 and 4
Mr.Vijayashankar for R5

O R D E R

Heard both sides.

2. According to the petitioner, he served as Electrician in Water Supply Head Works at Manapadai Municipality in Tirunelveli City Municipal Corporation on daily wages basis from February 1986 and he was promoted as Electrician Grade II on 05.04.1990. He was absorbed as Skilled Assistant, along with 11 others, by the third respondent on 08.04.2000. He was regularised on 28.08.2007. He retired from service on 30.04.2011. He made representations and the last such representation is dated 08.09.2011. The fourth respondent by the impugned order dated 13.01.2012 rejected his claim.

3. The grievance of the petitioner is that 50% of the services rendered by him prior to regularisation is not taken into account along with regular service for the purpose of pension and other benefits as per Rule 11(2) of the Tamil Nadu Pension Rules. The petitioner has relied on the decision of the Hon'ble Division Bench of this Court in W.A.Nos.27 and 28 of 2012 dated 13.02.2012 (Government of Tamil Nadu rep. by its Secretary to Government Vs. M.Gopal), which was confirmed by the Hon'ble Apex Court in SLP Nos.14838-14839 of 2012 on 10.05.2012. The Government implemented the same in G.O.Ms.No.183, Environment and Forests (FR-2) Department, dated 18.07.2012. Further, I have also passed an order in detail to count 50% of service rendered before regularisation also for pension in the case of P.Chinniyan Vs. State of Tamil Nadu, reported in (2014) 6 MLJ 316.

4. In these circumstances, the writ petition is disposed of directing the first respondent to count 50% of service rendered by the petitioner before regularization along with the service rendered after regularization for the purpose of pension and other terminal benefits in the light of Rule 11 (2) of the Tamil Nadu Pension Rules and also the judgments referred to above and submit proposal for the terminal benefits for authorization before the fifth respondent, within a period of eight weeks from the date of receipt of a copy of this order and the fifth respondent is directed to authorize the same

within a period of two weeks thereafter. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1. The Principal Secretary,
Municipal Administration and
Water Supply Department,
Fort St. George, Chennai - 600 009.
2. The Commissioner of Municipal Administration,
Chepauk, Chennai - 600 005.
3. The Commissioner,
Tirunelveli Municipal Corporation,
Tirunelveli.
4. The Assistant Commissioner (General),
Palayamkottai,
Tirunelveli (D.T),
5. The Principal Accountant General of T.N.,
Accounts and Entitlement,
O/o.The Accountant General,
Teynampet, Chennai - 600 018.

- +1 cc to M/S.V.Vijay shankar, Advocate (sr.37755)
+1 cc to M/S.Kandasami, Advocate (sr.37601)
+1 cc to M/s.P.Rajesh, Advocate (sr.37599)
+1 cc to the Government Pleader (sr.37709)

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UG(co)
cp 27/10/2015