

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2015

CORAM

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.15969 of 2015

D.Mathiazhagan

... Petitioner

Vs.

- 1 The Government of Tamil Nadu
Rep. by its Secretary to Government School
Education Dept. St. George Fort Chennai-9.
- 2 The Director of School
Education College Road Chennai-6.
- 3 The Chief Educational Officer
Vellore Vellore District.
- 4 The District Educational officer
Thirupattur-635601 Vellore
District.
- 5 The Head Master
Government High School R.S.Gudiyatham
Vellore District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 3 to count the period of services rendered in the year 1980 to 1989 for pension purpose and refix the petitioner present pension as per the petitioner representation dated 06.03.2015.

For Petitioner : Mr.M.Thamizhavel

For Respondents : Mr.V.Jayaprakash Narayanan
Special Government Pleader

O R D E R

Heard both sides. Mr.V.Jayaprakash Narayanan, learned Special Government Pleader takes notice for the respondents. By consent of both the parties the writ petition is taken up for final disposal.

2.The petitioner served as Casual Labour on daily wages basis from 1980 to 1989 in the School Education Department. Thereafter, he was appointed as a Night Watchman on regular basis by the proceedings dated 13.02.1989. He retired from service on 30.09.2010.

3.The grievance of the petitioner is that 50% of services rendered by him prior to regularisation is not taken into account for the purpose of pension and other benefits as per Rule 11(2) of the Tamil Nadu Pension Rules. He 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 in the case of P.Chiniyan Vs. State of Tamil Nadu reported in (2014) 6 MLJ 316. In this regard, he made a representation dated 06.03.2015.

4.At the time of hearing, the learned counsel for the petitioner submitted that the petitioner would be satisfied if a direction is issued to the first respondent to consider his representation to count 50% of service rendered by the petitioner before regularisation 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 judgment referred to above within a stipulated period.

5.In view of the narrow prayer made during the hearing, the writ petition is disposed of by directing the first respondent to consider the petitioner's representation to count 50% of service rendered by him before regularisation 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, within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

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Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

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To

1 The Secretary
Government of Tamil Nadu
School Education Dept. St. George Fort Chennai-9.

2 The Director of School
Education College Road Chennai-6.

3 The Chief Educational Officer
Vellore Vellore District.

4 The District Educational
Officer Thirupattur-635601 Vellore
District.

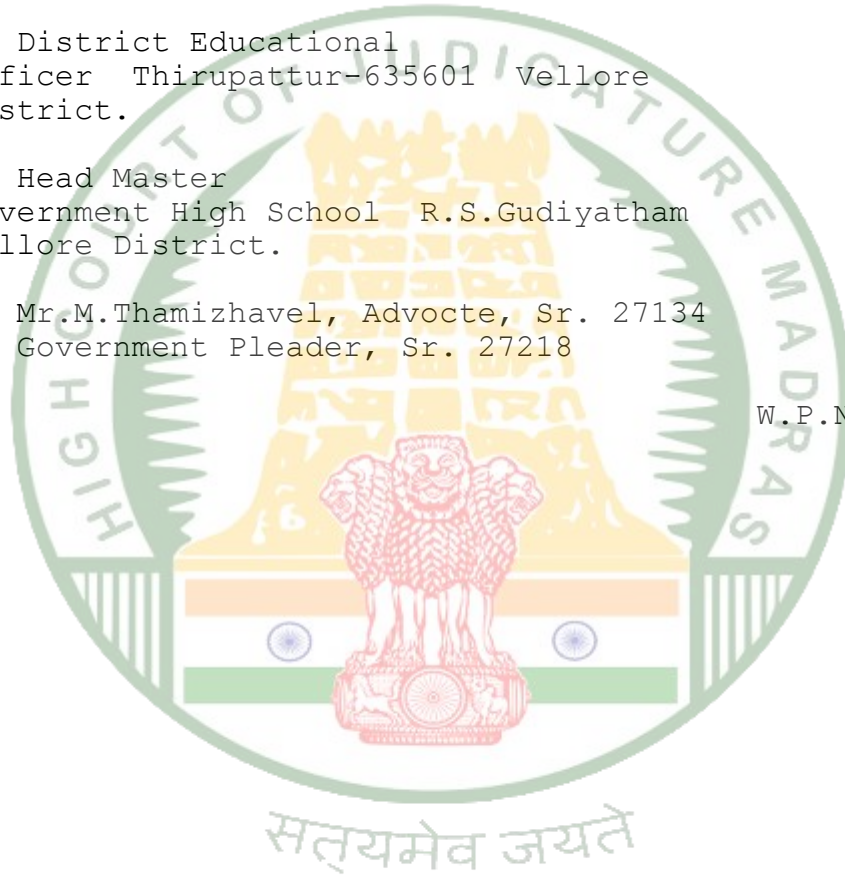
5 The Head Master
Government High School R.S.Gudiyatham
Vellore District.

1 cc to Mr.M.Thamizhavel, Advocte, Sr. 27134

1 cc to Government Pleader, Sr. 27218

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