

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2015
CORAM

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.15970 of 2015

M.Dayalan

... 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 Municipal Higher Secondary School
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 1968 to 1979 for pension purpose and refix the petitioner present pension as per the petitioner representation dated 09.03.2015.

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 a Night Watchman on 16.08.1968 in the School Education Department on contingencies basis and time

scale of pay was fixed for the petitioner's contingencies post by the order dated 28.11.1979. He retired from service on 31.05.2001.

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 09.03.2015.

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.

Sd/-
सत्यमेव जयते

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 Municipal Higher Secondary School
Gudiyatham
Vellore District.

1 cc to Mr.M.Thamizhavel, Advocate, Sr. 27135
1 cc to Government Pleader, Sr. 27210

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