

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE D. HARIPARANTHAMAN

W.P.NO.17369 OF 2015

P.M.Chinnasamy

... Petitioner

Vs.

1. The Secretary to Government
Handloom Handicraft Textiles and
Khadi Department
Fort St. George,
Chennai - 600 009.
2. The Chief Director
Sericulture Department
Annaimeadu,
Salem - 636 001.
3. The Assistant Director
Sericulture Department
Pennagaram, Dharmapuri,
Dharmapuri District.
4. The Principal Accountant General of Tamil Nadu
(Accounts and Entitlement)
Teynampet,
Chennai - 600 018.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus directing the respondents to consider the petitioner's representation dated 09.10.2014 and consequential direction to 1st to 3rd respondents to count half of the service rendered by the petitioner from the date of joining in service as Nursery Worker i.e. on 01.05.1974 to 22.02.2010 along with regularised service rendered by the petitioner as Farm Worker from 23.02.2010 to 30.06.2013 as qualifying service and send the revised proposals to the 4th respondent pension office (Accountant General) to

grant minimum pension from the petitioner's date of retirement based on G.O.408, dated 25.08.2009 with all consequential pensionary benefits and arrears with interest.

For Petitioner : Mr.P.Rajesh
For Respondents 1-3 : Mr.S.Gunasekaran
Government Advocate
For Respondent 4 : Mr.V.Vijaya Shankar

O R D E R

Heard both sides. Mr.S.Gunasekaran, learned Government Advocate takes notice for the respondents 1 to 3 and Mr.V.Vijaya Shankar, learned counsel takes notice for the fourth respondent. By consent of both the parties, the writ petition is taken up for final disposal.

2.The petitioner was appointed as Nursery Worker on 01.05.1974 in the Sericulture Department on daily wage basis. He was regularised in service as Farm Worker on 23.02.2010, vide proceedings dated 28.04.2010 of the third respondent. He retired from service on 30.06.2013.

3.The grievance of the petitioner is that 50% of the 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 a decision of the 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 Honourable 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.CHINNIYAN VS. STATE OF TAMIL NADU [2014 (6) MLJ 316]. In this regard, the petitioner made a representation dated 09.10.2014 to the respondents.

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 authorisation before the fourth respondent, within a period of twelve weeks from the date of receipt of a copy of this order and the fourth respondent is directed to authorise the same within a period of two weeks thereafter. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

TK

To

1. The Secretary to Government
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Chennai - 600 009.
2. The Chief Director
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3. The Assistant Director
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Pennagaram, Dharmapuri,
Dharmapuri District.
4. The Principal Accountant General of Tamil Nadu
(Accounts and Entitlement)
Teynampet,
Chennai - 600 018.

+1cc to Mr.P.Rajesh, Advocate, S.R.No.29996
+1cc to Mr.V.Vijaya Shankar, Advocate, S.R.No.30393
+1cc to the Government Pleader, S.R.No.30127

SCD(CO)
CA(09/07/2015)

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