

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2015

CORAM :

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.17776 of 2015

M.Muthazhagan

... Petitioner

Vs.

1. Government of Tamil Nadu,
Represented by Secretary to Government,
Animal Husbandry, Dairying and Fisheries Department,
Chennai-600 009.

2. The Registrar,
Tamil Nadu Veterinary and Animal Sciences University,
Madhavaram Milk Colony,
Chennai-600 051.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to pass orders for counting half of the services of the petitioner as Casual Labourer from 09.11.1993 to 12.05.2006 of the Petitioner on daily wage basis along with his regular service as Attendant from 15.05.2006 till the date of their superannuation (dated 30.04.2029) for reckoning the total qualifying service for pension and to sanction pensionary benefits to him.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.R.Vijayakumar
Additional Government Pleader for R1
Mr.V.Gangatharan for R2

ORDER

By consent, this writ petition is taken up for final disposal.

2. The petitioner was appointed as a Casual Labourer (Non Muster Roll) in the services of the Tamil Nadu Veterinary and Animal Sciences University and Madras Veterinary College, Chennai, Livestock Research Station, Kattupakkam on daily wage basis and by virtue of G.O.Ms.No.22, Personnel Administrative Reforms Department

dated 28.02.2006, the services of the petitioner was regularized in the scale of pay of Rs.2550-3200 in the post of Attendant/Basic Servant. The petitioner would further state that as per G.O.Ms.No.60, Animal Husbandry, Dairying and Fisheries Department dated 27.04.2007, the Government has passed orders for counting half of services rendered as casual labourers together with their regular service for calculating pensionary benefits and similar Government Order was also passed in G.O.Ms.No.408, Finance (Pension) Department dated 25.12.2009. It is also stated by the petitioner that one Thiru.R.Yuvaraj, who has been similarly placed like that of the petitioner, filed W.P.No.33732/2014 to consider his claim in the light of the above Government Orders and the said writ petition was ordered on 19.12.2014 and the first respondent, vide letter dated 13.02.2015, has issued directions to the second respondent, who, in-turn, has issued orders in Proceedings No.20948/A2/2014 dated 24.02.2015 granting the benefits to the said person and a similar direction was also passed in W.P.No.10140/2015, vide order dated 23.04.2015, granting similar benefits in favour of one Thiru.V.Govindarajan. The petitioner has also submitted a representation dated 30.04.2015 to the respondents praying for similar relief and since, no order has been passed, came forward to file this writ petition.

3. Heard the submissions of Mr.R.Vijayakumar, learned Additional Government Pleader, who accepts notice on behalf of the first respondent and Mr.V.Gangatharan, learned counsel who has drawn the attention of this Court to the counter affidavit filed by the second respondent and would submit that in the light of the above said Government Orders and the orders passed in the above cited writ petitions, benefits have been conferred to Tvl.R.Yuvaraj and V.Govindarajan and hence, prays for appropriate orders.

4. This Court, in the light of the above facts and circumstances, directs the second respondent to consider and dispose of the petitioner's representation dated 30.04.2015 on merits and in accordance with law, by taking note of the orders passed by this Court dated 19.12.2014 and 23.04.2015 made in W.P.Nos.33732/2014 and 10140/2015 respectively and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

5. This Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

jvm

Sub Assistant Registrar

To

1. The Secretary to Government,
Government of Tamil Nadu,
Animal Husbandry, Dairying and Fisheries Department,
Chennai-600 009.
2. The Registrar,
Tamil Nadu Veterinary and Animal Sciences University,
Madhavaram Milk Colony,
Chennai-600 051.

+1cc to M/s.M.Ravi, Advocate, S.R.No.52372

W.P.No.17776 of 2015

RSI (CO)
CA(08/10/2015)



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