

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2015

CORAM:

THE HON'BLE MR.JUSTICE D. HARIPARANTHAMAN

W.P.No.18273 of 2015

M.Swaminathan

...Petitioner

vs.

1. The Secretary to Government,
Animal Husbandry Dairying and Fisheries Department,
Fort St. George,
Chennai - 600 009.
2. The Registrar,
Tamilnadu Veterinary and Animal
Science University,
Chennai - 600 051.
3. The Principal Accountant General of Tamilnadu,
Anna Salai, Chennai - 18. **

...Respondents

** Suo motu impleaded as per order
dated 25.06.2015 in WP No.18273/2015

PRAYER : Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus to direct the respondents 1 and 2 to take into half of petitioner's services as casual labourer from 01.09.1987 to 12.05.2006 along with his regular service as Attender from 12.05.2006 to 28.02.2015 to reckon the total qualifying service for pensionary benefits and sanction such benefits within reasonable time.

For Petitioner : Mr.S.Sivakumar

For Respondents : Mrs.M.E.Rani Selvam
Additional Government Pleader

O R D E R

Heard both sides.

2. According to the petitioner, he was appointed as Casual Labourer on daily wages basis on 27.08.1987. His service was regularised on 12.05.2006 as per G.O.Ms.No.22, Personnel and Administrative Reforms Department, dated 12.05.2006. He retired from service on 28.02.2015.

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. 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 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 Principal Accountant General of Tamil Nadu, Chennai, within a period of eight weeks from the date of receipt of a copy of this order and the Principal Accountant General of Tamil Nadu, Chennai, is directed to authorize the same within a period of two weeks thereafter. No costs.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

gg

To

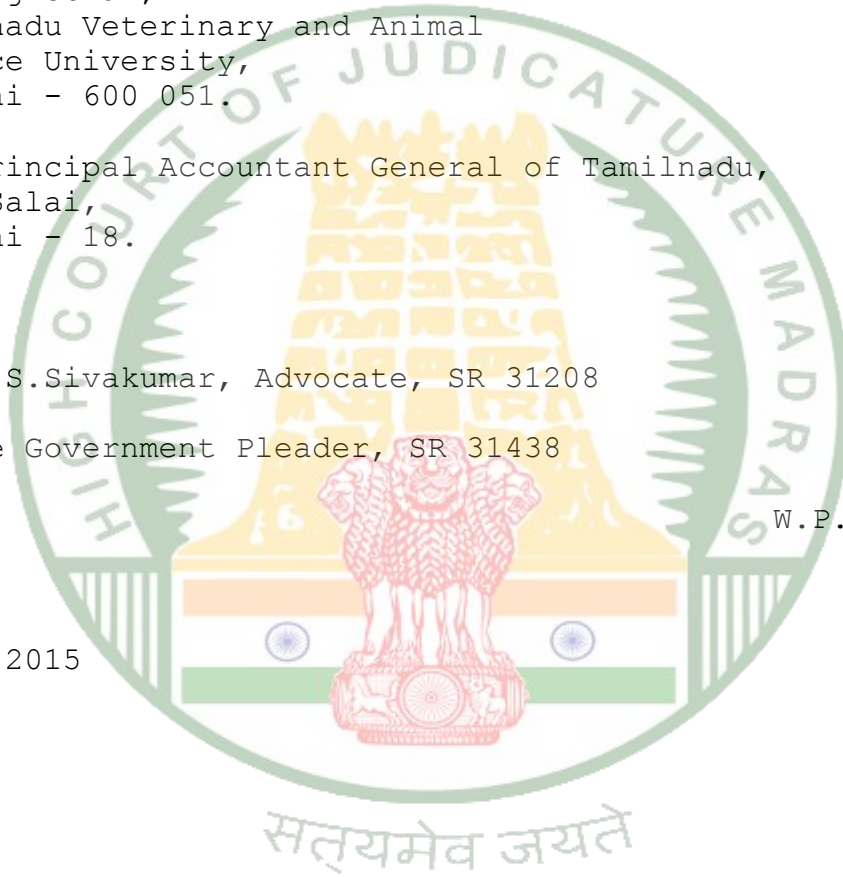
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1CC to Mr.S.Sivakumar, Advocate, SR 31208

1CC to the Government Pleader, SR 31438

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GP [CO]
PSI 28.09.2015



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