

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE D. HARIPARANTHAMAN

W.P.NO.19175 OF 2015

AND

M.P.NO.1 OF 2015

G.Narayanamoorthy

... Petitioner

Vs.

1. The Chief Engineer
Public Works Department
Chennai, Chennai - 600 005.
2. The Executive Engineer
WRO, PWD Araniyar Basin Division
Chepauk, Chennai - 600 005.
3. The Accountant General
Office of the Accountant General
Teynampet, Chennai - 600 018.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus for a direction to consider the claim of the petitioner for grant of pension and pensionary benefits by taking into account the 50% of casual labourer services between 06.03.1991 and 01.07.2001 and the entire services after being brought into regular establishment with effect from 01.07.2001 upto superannuation on 30.09.2013 in all making a total of about 17 years of qualifying services for the purpose of pension and other benefits and to extend the same forthwith arising thereto on the basis of the representations dated 21.06.2013 and 19.11.2014.

For Petitioner : Mr.L.Chandrakumar

For Respondents 1&2 : Ms.M.E.Rani Selvam
Additional Government Pleader

For Respondent - 3 : Mr.V.Vijaya Shankar

O R D E R

Heard both sides. Ms.M.E.Rani Selvam, learned Additional Government Pleader takes notice for the respondents 1 and 2 and Mr.V.Vijaya Shankar, learned counsel takes notice for the third respondent. By consent of both the parties, the writ petition is taken up for final disposal.

2.The petitioner was initially appointed as Casual Labourer / Mazdoor in the respondent Public Works Department on 06.03.1991 and thereafter, he was regularised in service 01.07.2001. He retired from service on 30.09.2013.

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 also made a representation dated 21.06.2013 to the first respondent.

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 family 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 third respondent, within a period of twelve weeks from the date of receipt of a copy of this order and the third respondent is directed to authorise the same within a period of two weeks thereafter. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

TK

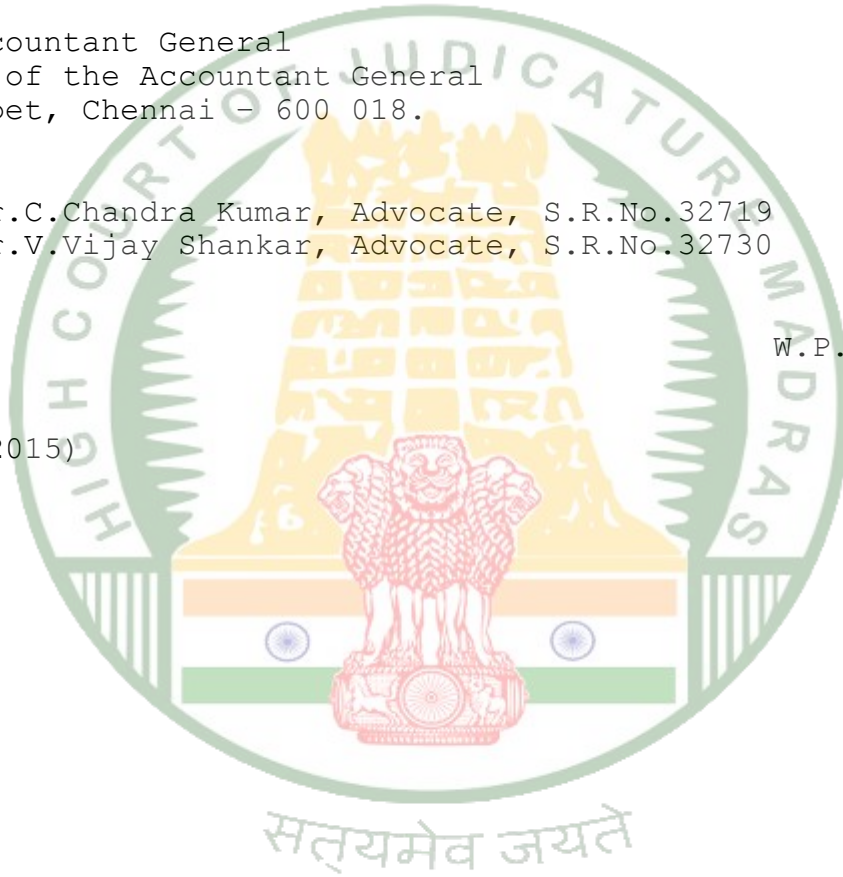
To

1. The Chief Engineer
Public Works Department
Chennai, Chennai - 600 005.
2. The Executive Engineer
WRO, PWD Araniyar Basin Division
Chepauk, Chennai - 600 005.
3. The Accountant General
Office of the Accountant General
Teynampet, Chennai - 600 018.

+1cc to Mr.C.Chandra Kumar, Advocate, S.R.No.32719
+1cc to Mr.V.Vijay Shankar, Advocate, S.R.No.32730

W.P.NO.19175 OF 2015

MSM(CO)
CA(14/07/2015)



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