

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2015

CORAM:

THE HON'BLE MR.JUSTICE D. HARIPARANTHAMAN

W.P.No.21469 of 2015

M.Radhakrishnan

...Petitioner

vs.

1. The Government of Tamil Nadu,
rep. by Principal Secretary to Government,
School Education Department,
Fort St. George,
Chennai - 600 009.
2. The Director of Public Library,
Directorate of Public Library,
No.731, Anna Salai,
Chennai - 600 002.
3. The District Library Officer,
Vellore District,
Vellore.

...Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus directing the respondents to count 50% of petitioner's service rendered in the post of Village Librarian for the period from 10.11.1997 to 27.10.2006 and add the same to the service rendered in the post of Grade III Librarian for a period from 28.10.2006 to 31.05.2015, when the petitioner retired from service and count the same as qualifying service under the Tamil Nadu Old Pension Scheme for the purpose of pensionary benefits and issue a consequential direction to the respondents to grant all pensionary benefits with arrears of pension.

For Petitioner : Mr.R.Saseetharan
For Respondents : Mr.V.Jayaprakash Narayanan
Special Govt. Pleader

O R D E R

Heard both sides.

2. According to the petitioner, he was initially appointed as Village Librarian on consolidated pay of Rs.1,000/- on 10.11.1997. Subsequently, he was appointed as Grade III Librarian in regular time scale of pay on 26.10.2006 and he joined on 28.10.2006. He retired from service on 31.05.2015.

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. The learned counsel for the petitioner submitted that when similarly placed employees in the Forest Department were granted the relief of counting 50% of service rendered prior to regular service along with regular service for the purpose of pension, the petitioner is also entitled to claim similar benefit.

5. 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 (CS-IV)

//True Copy//

Sub Assistant Registrar

gg

To

1. The Government of Tamil Nadu,
rep. by Principal Secretary to Government,
School Education Department,
Fort St. George, Chennai - 600 009.
2. The Director of Public Library,
Directorate of Public Library,
No.731, Anna Salai,
Chennai - 600 002.
3. The District Library Officer,
Vellore District, Vellore.
4. The Principal Accountant General of Tamilnadu,
Chennai.

1 CC to Mr.R.Saseetharan, Advocate SR.No. 36278

1 CC to the Government Pleader, SR.No. 36418

WEB COPY

W.P.No.21469 of 2015

SVI (CO)
PSI (14.09.2015)