

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2015

CORAM:

THE HON'BLE MR.JUSTICE D. HARIPARANTHAMAN

W.P.No.21675 of 2015
and
M.P.No.1 of 2015

K.Lakshmi

... Petitioner

Vs.

1. The Government of Tamil Nadu
rep. by the Secretary to Government,
Finance Department,
Fort St. George,
Chennai - 600 009.
2. The Secretary to Government,
Social Welfare and Nutritious Meal
Programme Department,
Fort St. George,
Chennai - 600 009.
3. The District Project Officer,
Integrated Child Development Schemes,
Collectorate, Tiruppur,
Tiruppur District.
4. The Principal Accountant General (A&E),
361, Anna Salai, Teynampet,
Chennai - 600 018.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorarified Mandamus to call for the records relating to the impugned orders of the first respondent in G.O.Ms.NO.408, Finance Department, dated 25.08.2009, and the consequential G.O.Ms.No.6, Social Welfare Department, dated 06.01.2010, on the file of the second respondent and quash the same insorfar restriction of the benefits granted under the said orders to only those who were absorbed into regular establishment prior to 01.04.2003 and direct the respondents to extend the said benefits to the petitioner also and grant her pension and other retirement benefits.

For Petitioner : Mr.P.Rajendran
For Respondents : Mrs.M.E.Rani Selvam
Additional Government Pleader

O R D E R

The petitioner was appointed as Child Welfare Organizer on 19.12.1980. Based on her qualification, she was appointed as Supervisor Grade-II on 18.12.2008. She retired from service on 31.08.2012.

2. According to the petitioner, she is entitled to pension by counting 50% of service from 19.12.1980 to 18.12.2008 along with regular service thereafter till her retirement. But she was not granted pension, since she came into regular service after 01.04.2003.

3. The petitioner, challenging G.O.Ms.NO.408, Finance Department, dated 25.08.2009, and also the G.O.Ms.No.6, Social Welfare Department, dated 06.01.2010 insofar as restricting pension benefits to those who were absorbed into regular establishment of the Government prior to 01.04.2003, and seeking for a direction to the respondents to extend the benefits under the said Government Orders to the petitioner also and to grant her pension and other retirement benefits, is before this Court.

4. A similar and identical issue came for consideration before me in W.P.No.20133 of 2015 and I allowed that writ petition on 08.07.2015. The petitioner therein was regularised as Rural Welfare Officer in the year 2007 in the Social Welfare Department, while the petitioner herein was regularised as Supervisor Grade-II on 18.12.2008 in the same Social Welfare Department.

5. Following the said order dated 08.07.2015 in W.P.No.20133 of 2015, this writ petition is disposed of with a direction to the second respondent to count half (50%) of the service of the petitioner in the noon-meal scheme along with regular service as Supervisor Grade - II for pension and the second respondent Government is directed to issue appropriate orders in compliance of this order within a period of four weeks from the date of receipt of a copy of this order and the third respondent is directed to send proposals to the fourth respondent for payment of pension to the petitioner, within two weeks from the date of issuance of the orders, as stated above, by the Government. The fourth respondent is directed to

authorise pension within a period of two weeks from the date of receipt of the proposals. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

gg

To

1. The Principal Secretary,
Finance Department,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.
2. The Principal Secretary,
Social Welfare and Nutritious Meal
Programme Department,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.
3. The District Project Officer,
Integrated Child Development Schemes,
Collectorate, Tiruppur,
Tiruppur District.
4. The Principal Accountant General (A&E),
361, Anna Salai, Teynampet,
Chennai - 600 018.

+1cc to Mr.P.Rajendran, Advocate, S.R.No.37160
+1cc to Mr.V.Vijay Shankar, Advocate, S.R.No.37137
+1cc to the Government Pleader, S.R.No.37015

W.P.No.21675 of 2015

BVR(CO)
CA(15/04/2016)