

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2015

CORAM:

THE HON'BLE MR.JUSTICE D. HARIPARANTHAMAN

W.P.No.23213 of 2015

G.Ambujam

.. Petitioner

vs.

1. The State of Tamil Nadu rep. by its
Secretary to Government,
Labour and Employment Department,
Secretariat, Chennai - 9.

2. The Commissioner of Labour,
Chennai - 600 006.

.. 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% services rendered by the petitioner's husband from 3.7.1986 to 20.05.2008 along with regular service for the purpose of granting family pension to the petitioner and grant family pension with all benefits and pay arrears of family pension to the petitioner.

For Petitioner : Mr.G.Elanchezhian

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

O R D E R

Heard both sides.

2. According to the petitioner, her husband was appointed as Daily Wages Watchman on 03.07.1986 and he was regularised vide G.O.Ms.No.58, Labour and Employment Department, dated 21.05.2008. He died on 26.02.2011 during service.

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's husband 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 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.

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To

1. The Principal Secretary,
Labour and Employment Department,
Government of Tamilnadu,
Secretariat, Chennai - 9.

2. The Commissioner of Labour,
Chennai - 600 006.

Copy to :

3. The Accountant General of Tamil Nadu,
O/o.The Accountant General,
Teynampet, Chennai - 600 018.

+1 cc to M/s.G.Elanchezhian, Advocate, sr.39638

+1 cc to Government Pleader, sr.39561

W.P.No.23213 of 2015

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