

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2015

CORAM:

THE HON'BLE MR.JUSTICE D. HARIPARANTHAMAN

W.P.No.23271 of 2015

K.Rakkiyannan

.. Petitioner

vs.

1. State rep. by
The Secretary,
Higher Education (2) Department,
Secretariat,
Fort St. George, Chennai - 600 009.
2. The Commissioner of Technical Education,
Directorate of Technical Education (Engineering),
Guindy, Chennai - 600 025.
3. The Principal,
Government Engineering College,
Salem - 11.

.. Respondents

* * *

PRAYER : Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorarified Mandamus calling for the records in pursuant to the letter No.(T) No.152, dated 19.06.2015, passed by the first respondent and quash the same and direct the respondents to regularize the petitioner's services with effect from 12.02.1996 in the cadre of Sanitary Worker with monetary benefits and further direct the respondents to sanction and pay all retirement benefits payable to the petitioner.

सत्यमेव जयते

For Petitioner : Mr.M.Elango

For Respondents : Mr.S.Gunasekaran,
Govt. Advocate

O R D E R

According to the petitioner, he joined as Sanitary Worker in the third respondent College on 11.02.1986. He was regularised in service with effect from 30.3.2006. After rendering 29 years of service, the petitioner retired from service on 31.12.2014.

2. The petitioner was not granted pension by counting 50% of the service rendered prior to regularization along with regular service by the impugned order dated 19.06.2015.

3. This writ petition is to quash the aforesaid order refusing to count 50% of the service rendered prior to regularization, for pension. There is also a prayer to regularise his service on completion of 10 years of service and to grant him pension. However, when the matter came up for hearing, the learned counsel for the petitioner submitted that the petitioner would be satisfied if a direction is issued to the respondents to count 50% of the service prior to regularization along with regular service for pension, in view of various decisions of this Court.

4. 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 also for pension, in the case of P.Chinniyar Vs. State of Tamil Nadu, reported in (2014) 6 MLJ 316.

5. In these circumstances, the writ petition is allowed and a direction is issued to 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 various judgments of this Court and submit a 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

True Copy

Sub Assistant Registrar

To

1. The Principal Secretary,
Higher Education (2) Department,
Government of Tamilnadu,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Commissioner of Technical Education,
Directorate of Technical Education (Engineering),
Guindy, Chennai - 600 025.
3. The Principal,
Government Engineering College,
Salem - 11.

Copy to :

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

+1 cc to Government Pleader (sr.39564)
+1 cc to Mr.m.Elango, Advocate (sr.39815)

TEJ(co)
cp 27/10/2015

W.P.No.23271 of 2015

सत्यमेव जयते

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