

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2015

CORAM:

THE HON'BLE MR.JUSTICE D. HARIPARANTHAMAN

W.P.No.23295 of 2015

D.Vanitha

...Petitioner

vs.

1. The State of Tamil Nadu rep. by its Secretary to Government, Labour and Employment Department, Secretariat, Chennai - 9.
2. The Chief Inspector of Factories, Chepauk, Chennai - 600 005.
3. The Commissioner of Labour, Chennai - 6.
4. The Joint Director, Industries Protection and Welfare Department, Thiruvotriyur, Chennai - 19.

...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% service rendered by the petitioner's husband from 7.7.1992 to 21.07.2008 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.Elanchezhiyan

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 Night Watchman on 07.07.1992 and he was brought into time scale on 01.08.2008. The Government issued G.O.Ms.No.187, Labour and Employment Department, dated 17.09.2010 regularising his service. He died on 21.01.2015 while in service.

3. The grievance of the petitioner is that 50% of the services rendered by her husband 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.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

gg

To

1. The Principal Secretary,
Labour and Employment Department,
Government of Tamilnadu,
Secretariat, Chennai - 9.
2. The Chief Inspector of Factories,
Chepauk, Chennai - 600 005.
3. The Commissioner of Labour,
Chennai - 6.
4. The Joint Director,
Industries Protection and Welfare Department,
Thiruvotriyur, Chennai - 19.
5. The Principal Accountant General of Tamilnadu,
Tamilnadu.

1 CC to Mr.G.Elanchezhiyan, Advocate SR.No. 39639

1 CC to the Government Pleader, SR.No. 39558

W.P.No.23295 of 2015

PUR (CO)
PSI (25.09.2015)

सत्यमेव जयते

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