

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

Writ Petition Nos.27943 of 2015
& 27944 of 2015

H.Mohammed Rafuddin ... Petitioner in W.P.No.27943 / 2015
S.Muthukrishnan ... Petitioner in W.P.No.27944 / 2015

Vs.

1. Professor and Head,
Institute of Poultry Production and
Management, Madhavaram Milk Colony,
Chennai - 600 051
 2. The Director, Center for Animal Production Studies,
TANUVAS, Madhavaram Milk Colony,
Chennai - 51
 3. The Finance Officer, TANUVAS,
Madhavaram Milk Colony,
Chennai - 51
 4. The Administrative Officer,
Registrar's Office, TANUVAS,
Madhavaram Milk Colony,
Chennai - 51
- ... Respondents in both W.Ps.

Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to take into half of the 20 years of petitioners' Casual Labourers service, with the petitioners' regular service, as attendant permanent staff appointed from 15.05.2006 to 31.08.2009 and 15.05.2006 to 30.09.2012, respectively, to reckon the total qualifying service for pensioners benefit and sanction such benefits.

For Petitioner in both W.Ps. : Mr. D.Paariventha

For Respondents in both W.Ps : Mr. N.Srinivasan, AGP., for R-1
Mr. Abdul Saleem, for R-2 to R-4

COMMON ORDER

Admit. Mr.N.Srinivasan, learned Additional Government Pleader, takes notice for the first respondent and Mr. Abdul Saleem, learned counsel, takes notice for respondents 2 to 4 in both the writ petitions. By consent of the learned counsel for both sides, the writ petitions are taken up for final disposal at the admission stage itself.

2. The petitioner in W.P.No.27943 of 2015, H.Mohammed Rafuddin, was initially appointed as Casual Labourer in the Institute of

Poultry Production and Management, Nandanam, (TANUVAS) with effect from 05.08.1985 and he continued to serve there till 14.05.2006. By virtue of letter, dated 12.05.2006, the petitioner's service was regularized from 15.05.2006. The petitioner was placed on probation for a period of one year and subsequently, he was permitted to retire on 31.08.2009, on attaining the age of superannuation.

3. The petitioner in W.P.No.27944 of 2015, S.Muthukrishnan, was initially appointed as Casual Labourer in the Institute of Poultry Production and Management, Nandanam, (TANUVAS) with effect from 05.08.1985 and he continued to serve there till 14.05.2006. By virtue of letter, dated 12.05.2006, the petitioner's service was regularized from 15.05.2006. The petitioner was placed on probation for a period of one year and subsequently, he was permitted to retire on 30.09.2012, on attaining the age of superannuation.

4. The grievance expressed by both the petitioners is that, their regular services from 15.05.2006 to 31.08.2009 and 15.05.2006 to 30.09.2012, respectively, were less than ten years and therefore, they had not been given pensionary benefits and their earlier services, i.e., from 14.08.1985 to 14.05.2006, ought to have been taken into account for the purpose of calculating pensionary benefits and in this regard, they had submitted individual representations, dated 29.04.2015 to the respondents. Though the said representations were received and acknowledged by the respondents, the petitioners have not been favoured with any response. Hence, the petitioners have come forward to file these writ petitions.

5. Heard the learned counsel for both sides.

6. The learned counsel for the petitioners, in both the writ petitions, submitted that in the light of G.O.Ms.No.53, Animal Husbandry and Fisheries Department, dated 27.04.2005, (which came to be issued in compliance of the order, dated 20.12.2001 made in O.A.No.3282 of 1999 passed by the the Tamil Nadu Administrative Tribunal) as well as the common order, dated 24.04.2006 made in W.P.Nos.93, 9078, 9083, 9137, 9177 and 9191 of 2006, passed by this Court and also in terms of G.O.Ms.No.60, Animal Husbandry, Dairying and Fisheries Department, dated 24.04.2007, half of the services rendered by the petitioners, as Casual Labourers, have to be taken into consideration for the purpose of calculating pensionary benefits and hence, prays for appropriate orders.

7. This Court has considered the submissions made by the learned counsel for both sides and perused the materials available on record.

8. Though the petitioners prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the second respondent to consider and dispose of the petitioners' representations, dated 29.04.2015, on merits and in accordance with law, after taking note of the above cited Government Order as well as the orders passed by the Tamil Nadu Administrative Tribunal and this

Court, and pass orders within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioners.

9. These writ petitions are disposed of accordingly. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

srk

To

1. Professor and Head,
Institute of Poultry Production and
Management, Madhavaram Milk Colony,
Chennai - 600 051
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4. The Administrative Officer,
Registrar's Office, TANUVAS,
Madhavaram Milk Colony,
Chennai - 51.

2 cc to Mr.D.Paariventha , Advocate Sr.No.48644 & 48645

2 cc to Government Pleader.Sr.No.48302,48290

W.P.Nos.27943 & 27944 of 2015

gj (co)
pmk.29.9.2015

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