

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.03.2015

CORAM:

THE HONOURABLE MR. JUSTICE K.K. SASIDHARAN

W.P. No.5027 of 2015

and

M.P.No.1 of 2015

S.Arumugam

... Petitioner

vs.

1.The State of Tamil Nadu
rep by its Secretary
Handloom, Handicrafts, Textiles & Khadi (G2) Department
Fort St.George, Chennai 600 009.

2.The Director of Sericulture
Sericulture Department
Salem.

3.The Assistant Director
Department of Sericulture
Nannagaram, Melagaram Post
Tenkasi, Thirunelveli District.

.... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of certiorarified mandamus calling for the records relating to the Government Letter No.5626/G2/2010-4 dated 20.06.2011 passed by the first respondent herein and quash the same and further direct the respondents to allow the petitioner to continue as Sericulture Worker till the completion of 60 years as per FR 56(i).

For Petitioner : Mrs.Dakshayani Reddy
for Mr.Mukund R.Pandiyan
For Respondents : Mr.P.Sanjay Gandhi, AGP

O R D E R

The petitioner was appointed as Sericulture Worker in the Department of Sericulture. According to the petitioner, the employees covered by the Tamil Nadu Basic Services Rules, would retire only at the age of 60 years. The petitioner made a claim that he would retire only on completion of 60 years. The said claim was

rejected by the first respondent by order dated 20.06.2011. Feeling aggrieved by the said order, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.

3. The issue raised by the petitioner is no more res integra in view of the decision of this Court, vide order dated 24.01.2013 in W.P.No.14977 of 2011. This Court made it very clear that Sericulture workers would retire only at the age of 60 years as they are basic civil servants. The petitioner is similarly situated and as such, he is entitled to the benefit of the said order. In the result, the impugned order dated 20.06.2011 is set aside. The first respondent is directed to permit the petitioner to work till he attains the age of 60 years.

The writ petition is allowed, as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

GMS

Sub Assistant Registrar

To

- 1.The Secretary
State of Tamil Nadu
Handloom, Handicrafts, Textiles & Khadi (G2) Department
Fort St.George, Chennai 600 009.
- 2.The Director of Sericulture
Sericulture Department
Salem.
- 3.The Assistant Director
Department of Sericulture
Nannagaram, Melagaram Post
Tenkasi, Thirunelveli District.

+1cc to the Government Pleader, S.R.No.13908

TEJ(CO)
CA(17/03/2015)

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