

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02-06-2016

Coram

THE HON'BLE MR. JUSTICE B. RAJENDRAN

Writ Petition Nos.1091 to 1097 of 2016

W.P.No. 1091 of 2016 :

- 1.M.Jeyalakshmi
- 2.K.Meharaj
- 3.G.Ramakrishnan
- 4.A.Natarajan
- 5.K.R.Sasikala
- 6.S.Rajendran
- 7.T.Senthamarai Kannan
- 8.M.Kayambu
- 9.K.Samuthirakani

... Petitioners

W.P.No. 1092 of 2016 :

- 1.S.Kathiresan
- 2.R.Ramakrishnan
- 3.S.M.Baskaran
- 4.S.Prabakaran
- 5.M.Boomi
- 6.R.Sundararaj
- 7.P.Balasubramanian
- 8.N.Kannan
- 9.T.Vadivel
- 10.S.Rengaraj
- 11.S.Chithambaram
- 12.M.Beer Mohammed
- 13.R.Dhanushkodi
- 14.N.Maharajan
- 15.P.Rajagopal
- 16.K.Syed Abuthakir
- 17.P.Gnanasekaran
- 18.A.Anbalagan
- 19.M.Mani
- 20.G.Muthusamy
- 21.G.Ravindran
- 22.M.Mayilsamy
- 23.G.N.Prakash

... Petitioners

W.P.No. 1093 of 2016 :

- 1.B.G.Gurusamy
- 2.M.Gnanapandian

... Petitioners

W.P.No. 1094 of 2016 :

1.S.Sriram
2.P.Prema
3.K.Nagarajan
4.L.Rengaraj

... Petitioners

W.P.No. 1095 of 2016 :

1.P.Murugesan
2.S.Mutharasu

... Petitioners

W.P.No. 1096 of 2016 :

1.T.Govindaraj
2.C.Rajendran
3.P.Parameswaramoorthy

... Petitioners

W.P.No. 1097 of 2016 :

E.M.Mohammed Abdul Azeez

... Petitioner

Vs.

1.The State of Tamil Nadu
rep. by the Secretary to Government
Revenue Department
Secretariat, Fort St.George
Chennai-9.

...1st Respondent in WP.1091/16

2.The State of Tamil Nadu
rep. by the Secretary to Government
Rural Development Department
Secretariat, Fort St.George
Chennai-9.

...1st Respondent in WP.1092/16

3.The State of Tamil Nadu
rep. by the Secretary to Government
Health and Family Welfare Department
Secretariat, Fort St.George
Chennai-9.

...1st Respondent in WP.1093/16

4.The State of Tamil Nadu
rep. by the Secretary to Government
Social Welfare and Nutritious Meal Programme Department
Secretariat, Fort St.George
Chennai-9.

...1st Respondent in WP.1094/16

5.The State of Tamil Nadu
rep. by the Secretary to Government
Commercial Taxes and Registration Department
Secretariat, Fort St.George
Chennai-9.

...1st Respondent in WP.1095/16

- 6.The State of Tamil Nadu
rep. by the Secretary to Government
Home Department
Secretariat, Fort St.George
Chennai-9. ...1st Respondent in WP.1096/16
- 7.The State of Tamil Nadu
rep. by the Secretary to Government
Municipal Administration and Water Supply Department
Secretariat, Fort St.George
Chennai-9. ...1st Respondent in WP.1097/16
- 8.The Commissioner/Director of Survey & Settlement
Chepauk
Chennai-600 005.2nd Respondent in all WPs
- 9.The Accountant General (A&E)
Teynampet
Chennai-600 018. ...3rd Respondent in WPs.
1091 to 1096/16
- 10.The Director
Local Fund Audit Department,
Kuralagam
Chennai 600 108.3rd Respondent in WP.1097/16

Writ Petitions filed under Article 226 of the constitution of India to issue Writ of Mandamus, to direct the respondents to count the entire temporary services of the petitioners worked in the cadre of Field Surveyor-cum-Draftsman/ Section Writer for pension purpose and accordingly revise the petitioners' pension and pensionary benefits and to pay the consequential arrears, within a stipulated time to be fixed by this Court.

For Petitioners : Mr.L.Chandrakumar
in all Writ Petitions

For Respondents : Mr.Dig Vijaya Pandian
in all Writ Petitions Additional Government Pleader
for R.1 and R.2

Mr.Vijay Shankar for R.3

COMMON ORDER

These Writ Petitions have been filed to issue Writ of Mandamus, to direct the respondents to count the entire temporary services of the petitioners worked in the cadre of Field Surveyor-cum-Draftsman/ Section Writer for pension purpose and accordingly revise the petitioners' pension and pensionary benefits and to pay the consequential arrears, within a stipulated time to be fixed by this Court.

2. The petitioners were appointed as Field Surveyor/Draftsman/Section Writer in the Survey and Settlement Department in the regular vacancy on consolidated pay in the years 1983 and 1984, through District Employment Exchange. The petitioners were absorbed as Junior Assistant in other Departments and awarded regular time scale of pay in the year 1990 and subsequent years. The petitioners' services were regularised w.e.f. their date of absorption in regular time scale of pay, instead of their date of initial appointment. Subsequently, the petitioners retired from service. The 50% of the service rendered on temporary basis by the petitioners were taken into account for grant of pensionary benefit, which is contrary to the G.O.Ms.No.996. Aggrieved against the same, the petitioners have filed the present Writ Petitions.

3. Mr.L.Chandrakumar, the learned counsel for the petitioners would submit that the services of the petitioners ought to have been regularised from the date of their initial appointment or on 25.06.1984, as per G.O.Ms.No.996, P&AR (Placements) Department, dated 22.09.1984. He would further contend that in similar circumstances, identically placed persons have filed W.P.Nos.12477 and 12478 of 2007 before this Court and this Court, by order, dated 25.03.2014, directed the respondents therein to regularise the services of the petitioners therein w.e.f. 25.06.1984, with all consequential benefits. He would further submit that the pensionary benefits have not been calculated, taking into consideration, the entire temporary service rendered by the petitioners. To substantiate the said contention, the learned counsel would rely on the judgment of this Court reported in (2013) 2 MLJ 399, V.Ganapathy vs. State of Tamil Nadu, rep. by its Principal Secretary to Government. Relying on the said decision, the learned counsel would submit that in the case of the petitioners herein, for calculation of pensionary benefit, half of the service alone was taken into account, which is contrary to the dictum laid down by this Court in the decision cited supra. The learned counsel would submit that the petitioners are also similarly placed as that of the persons, who have filed the above Writ Petitions, and the petitioners herein would be satisfied, if they are permitted to submit a fresh representation to the Government, bringing forth the similarity of circumstances, in which, the earlier orders have been passed, and inturn the 1st respondent may be directed to consider the same and pass appropriate orders in the light of the dictum laid down by this Court in the above rulings.

4. Mr.Dig Vijaya Pandian, the learned Additional Government Pleader appearing for the respondents 1 and 2 would contend that if the petitioners are eligible and if they stand on the similar footing as that of the petitioners, who have filed the Writ Petitions stated supra, the claim of the petitioners will be considered and appropriate orders will be passed, on merits and in accordance with law.

5. Considering the submissions made on either side, this Court, without going into the merits of the claim made by the petitioners, directs the petitioners to submit a fresh representation to the 1st respondent, bringing forth the similarity of circumstances, in which, the earlier orders have been passed, within a period of 15 days from the date of receipt of a copy of this order and on receipt of such representation, the 1st respondent is directed to consider the same and pass appropriate orders, on merits and in the light of the dictum laid down by this Court in the above rulings, within a period of two months thereafter. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioners.

6. These Writ Petitions are disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government
Revenue Department
Secretariat, Fort St.George
Chennai-9.
2. The Secretary to Government
Rural Development Department
Secretariat, Fort St.George
Chennai-9.
3. The Secretary to Government
Health and Family Welfare Department
Secretariat, Fort St.George
Chennai-9.
4. The Secretary to Government
Social Welfare and Nutritious Meal Programme Department
Secretariat, Fort St.George
Chennai-9.
5. The Secretary to Government
Commercial Taxes and Registration Department
Secretariat, Fort St.George
Chennai-9.

6. The Secretary to Government
Home Department
Secretariat, Fort St.George
Chennai-9.

7. The Secretary to Government
Municipal Administration and Water Supply Department
Secretariat, Fort St.George
Chennai-9.

8. The Commissioner/Director of Survey & Settlement
Chepauk
Chennai-600 005.

9. The Accountant General (A&E)
Teynampet
Chennai-600 018.

10. The Director
Local Fund Audit Department
Kuralagam
Chennai-600 108.

+7cc's to Mr.M.Saravana Kumar, Advocate, S.R.No.29391
+1cc to Mr.V.Vijay Shankar, Advocate, S.R.No.29543
+1cc to the Government Pleader, S.R.No.29474

Writ Petition Nos.1091 to 1097 of
2016

GJ(CO)
CA(13/06/2016)

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