

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2016

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

WP.No.28037 of 2016
WMP.No.26192 of 2016

M.Maheswari

Petitioner

Vs

1.The State of Tamil Nadu by Secretary
Handloom, Handicrafts, Textiles and Khadi Department
Fort St.George, Chennai-9

2.The Director, Department of Sericulture
Asthampatti, Salem 636 007

3.The Assistant Director, Department of Sericulture
Vaniyambaid 635 751

Respondents

Prayer:- This Writ Petition is filed to issue a Writ of Mandamus to direct the Respondents to allow the Petitioner to continue in service as Sericulture Worker till the completion of 60 years as per the Fundamental Rule 56(i).

For Petitioner : Mr.Lesi Saravanan

For Respondent : Mr.A.Kumar, SGP

ORDER

This Writ Petition is filed to issue a Writ of Mandamus to direct the Respondents to allow the Petitioner to continue in service as Sericulture Worker till the completion of 60 years as per the Fundamental Rule 56(i).

2. The petitioner is working as a Sericulture worker under the third respondent. According to the petitioner, the Sericulture worker is a last Grade servant and as such, the age of retirement is only 60 years. However, the third respondent informed him that he would retire on attaining the age of 58 years on 31.08.2016.

3. According to the petitioner, similar issue came up before this Court and a categorical finding was given that the Sericulture Workers would retire only at the age of 60 years.

The petitioner is, therefore, before this Court, to pass appropriate orders, taking into account the earlier orders passed by this Court.

4. The issue raised by the petitioner is no more res integra, in view of the binding decision of this Court. This Court, vide its order dated 24 January, 2013 in W.P.Nos.14977, 15614 to 15616 of 2011 and 1231 of 2013, made it very clear that the Sericulture workers would retire only after reaching the age of 60 years. In view of the binding decision of this Court, which has also become final, I am of the view that the petitioner should succeed.

5. Therefore, by following the earlier orders of this Court and more particularly, order made in W.P.Nos.14977, 15614 to 15616 of 2011 and 1231 of 2013, dated 24 January, 2013, the Respondents are directed to retain the petitioner in service until he attains the age of 60 years.

6. The Writ Petition is allowed to the extent indicated above. No costs. Consequently, the connected MP is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

Srcm

To:

1.The State of Tamil Nadu by Secretary
Handloom, Handicrafts, Textiles and Khadi Department
Fort St.George, Chennai-9

2.The Director, Department of Sericulture
Asthampatti, Salem 636 007

3.The Assistant Director, Department of Sericulture
Vaniyambaid 635 751
+1 cc to Mr.Lesi Saravanan Advocate sr 49026
+1 cc to Government pleader sr 49294

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