

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.31446 of 2016

M.Karunainathan

... Petitioner

vs.

1. Government of Tamil Nadu
rep. by Secretary to Government,
Animal Husbandry Dairying and Fisheries
Department, Chennai-600 009.

2. The Registrar,
Tamil Nadu Veterinary and Animal Sciences
University, Madhavaram Milk Colony,
Chennai-51.

... Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Mandamus, directing the 1st respondent to take into account half of services rendered by the petitioner as Casual Labourer from 15.06.1983 to 14.05.2006 along with his regular service as Attendant from 15.05.2006 to 31.12.2012 to reckon the total qualifying service for pensionary benefits and sanction such benefits to the petitioner.

For Petitioner : Mr.M.Ravi

For 1st Respondent : Mr.M.S.Ramesh,
Additional Government Pleader

For 2nd respondent : Mr.V.Gangadharan

O R D E R

The petitioner has come up with the present writ petition seeking for the issuance of a writ of Mandamus, directing the 1st respondent to take into account half of services rendered by the petitioner as Casual Labourer from 15.06.1983 to 14.05.2006 along with his regular service as Attendant from 15.05.2006 to 31.12.2012 to reckon the total qualifying service for pensionary benefits and sanction such benefits to the petitioner.

2. The case of the petitioner is that initially, he was appointed as Casual Labourer (NMR) in the Tamil Nadu Agricultural University w.e.f. 15.06.1983 through Employment

Exchange and he was posted in the Poultry Research Station, Chennai-35. After the establishment of the Tamil Nadu Veterinary and Animal Sciences Department, he continued to serve as Casual Labourer. Even though, the petitioner continued to serve from 01.03.1983 onwards, his services was not regularised till the year 2006.

3. The further case of the petitioner is that by virtue of G.O.Ms.No.22, Personnel and Administrative Reforms Department, dated 28.02.2006, his services was regularised from 14.05.2006 taking into account that he had rendered more than 10 years of service as on 01.01.2006. He was placed on probation for one year after absorbing him as Attendant from 14.05.2006 and he was declared to have satisfactorily completed the period of probation on 14.05.2007 A.N. in the said post. Thereafter, he was permitted to retire on 31.12.2012 A.N. on attaining the age of superannuation. But the grievance of the petitioner is that his earlier services from 15.06.1983 to 14.05.2006 have not been taken into account for the purpose of pensionary benefits. In this regard, the petitioner has given a representation dated ***11.7.2016** to the 1st respondent. Since no orders have been passed thereon, the petitioner has filed the present Writ Petition.

4. Learned Counsel for the petitioner by citing the Government Order passed in G.O.Ms.No.408, Finance (Pension) Department, dated 25.08.2009 would submit that to reckon the total qualifying service for pensionary benefits and sanction such benefits to the petitioner, half of services rendered by the petitioner as Casual Labourer from 15.06.1983 to 14.05.2006 along with his regular service as Attendant from 15.05.2006 to 31.12.2012 have to be taken into account. He would further submit that in a similar situation, the case of one Tr.R.Yuvaraj, Retired Attender, who has rendered 50% of the services as Casual Labourer, was considered by the 1st respondent based on the orders of the 2nd respondent in view of the direction issued by this Court in W.P.No.41624/2006 dated 30.09.2009. Therefore, the petitioner is also entitled for the said relief.

5. Considering the facts and circumstances of the case, without expressing any opinion on the merits of the case, this Court directs the 1st respondent to consider the representation of the petitioner dated ***11.7.2016** on merits and in accordance with law and also in the light of the G.O.Ms.No.408, Finance (Pension) Department, dated 25.08.2009 and pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this Order.

6. Accordingly, the Writ Petition is disposed of. No costs.

Sd/-
Asst.Registrar (CS II)
Dt.7.10.2016

***Corrected as per the order of this
Court dt.7.11.16 made in WP.31446/16
sd-
Assistant Registrar
Dt.16.11.16**

/true copy/

Sub Asst. Registrar

To

1.The Secretary to Government,
Government of Tamil Nadu
Animal Husbandry Dairying and Fisheries
Department, Chennai-600 009.

***To be substituted to
the order already
despatched on 3.11.16**

2.The Registrar,
Tamil Nadu Veterinary and Animal Sciences
University, Madhavaram Milk Colony,
Chennai-51.

+1 cc to M/s.M.Ravi,advocate,sr.*63606.

+1 cc to Mr.V.gangadharan,advocate,sr.*63639

+1 cc to G.p.sr.52811

ala(co)
ths (17.10)
krd 25/11

W.P.No.31446 of 2016

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