

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2016

CORAM

THE HONOURABLE MR. **JUSTICE R.SUBBIAH**

Writ Petition No.33699 of 2016

S.Chelladurai

... Petitioner

vs.

1. The Engineer-in-Chief and
Chief Engineer (General),
Water Resources Organisation,
Public Works Department,
Chepauk, Chennai-5.
2. The Principal Accountant General,
O/o.The Accountant General,
Tenampet, Chennai-18.
3. The Secretary,
Public Works Department,
Fort St. George, Chennai-600 009.
4. The Assistant Executive Engineer,
PWD/WRO, Chittar Basin Sub-Division,
Tenkasi-627 811.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the 1st and 2nd respondents to consider the claim of the petitioner for grant of Pension and Pensionary Benefits as per Revised Pension Rules, by taking into account, the 50% of the casual labourer services rendered i.e. 5 years plus the entire services rendered after being brought into regular

establishment i.e. w.e.f. 01.01.2002 till the date of his superannuation i.e. on 29.02.2016 (14 years), in all making it as 19 years of qualifying services for the purpose of arriving at pension and other pensionary benefits to the petitioner forthwith.

For Petitioner : Mr.L.Chandrakumar
For 1st Respondent : Mr.N.Srinivasan,
Additional Government Pleader
For 2nd Respondent : Mr.Vijay Shankar

ORDER

The Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the 1st and 2nd respondents to consider the claim of the petitioner for grant of Pension and Pensionary Benefits as per Revised Pension Rules, by taking into account, the 50% of the casual labourer services rendered i.e. 5 years plus the entire services rendered after being brought into regular establishment i.e. w.e.f. 01.01.2002 till the date of his superannuation i.e. on 29.02.2016 (14 years), in all making it as 19 years of qualifying services for the purpose of arriving at pension and other pensionary benefits to the petitioner forthwith.

2. The case of the petitioner is as follows:

(a) After initially being appointed on daily rated basis in the NMR and on completing 10 years of such services, he was brought into regular establishment in the time scale of pay of Rs.2610-3540 w.e.f. 01.01.2002, the date on which his services stood regularised as Irrigation Assistant. After rendering as many as 24 years of continuous uninterrupted service, he was superannuated on 29.02.2016 and as per the policy decision of the Government in G.O.Ms.No.334, Public Works (C2) Department, dated 19.10.2007, he has been granted and extended with the benefits of pension and other pensionary dues by taking into account 50% of the casual labour services followed by the total services rendered by him on regular basis.

(b) While so, according to the petitioner, he was in service prior to the introduction of the New Pension Scheme and these services were regularised retrospectively well ahead of the introduction of the CPF Scheme. Further, it is on this premise, batch of writ petitions were allowed directing inclusion of the 50% of the casual labour services followed to be included in full all the regular service thereafter, provided, their services were regularised on or before 31.03.2003.

(c) It is on this basis, the petitioner shall be entitled to have the benefit of 14 years of regular service plus 5 years (50% of 10 years) in all making it as 19 years of qualifying services for the purpose of calculation and arrival of the pension and pensionary benefits, instead, on a total conception that the petitioner would be eligible only for CPF scheme as he was regularised through G.O.Ms.No.334, PWD Department, dated 19.10.2007, without taking note of and also that by taking into account the date of regularisation which was specifically made on completion of 10 years w.e.f.01.01.2002.

(d) In this regard, the petitioner sent a detailed representation dated 12.05.2016 to the 1st respondent. But the same has not been considered till date. Hence, left with no other alternative, the petitioner is before this Court with this Writ Petition.

2. Heard the learned Counsel for the petitioner and the learned Additional Government Pleader, who takes notice on behalf of the 1st respondent and the learned Counsel who takes notice for the 2nd respondent.

3. The learned Counsel for the petitioner submitted that the issue involved in this Writ Petition squarely covered by the order passed by this Court in W.P.No.4041 of 2012 dated 07.08.2012.

4. Considering the facts and circumstances, the petitioner is directed to give a fresh representation along with a copy of this Order within a period of two weeks from the date of receipt of a copy of this Order and on receipt of the same, the respondents 1 and 2 are directed to pass appropriate orders on merits and in accordance with law and also in the light of the orders passed in W.P.Nos.433 and 4041 of 2012 dated 07.08.2012, within a period of six weeks thereafter.

4. The Writ Petition is disposed of accordingly. No costs.

03.10.2016

Index:Yes/No
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