

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 25.11.2016
CORAM
THE HONOURABLE MR. JUSTICE R.SUBBIAH
Writ Petition Nos.41470 and 41471 of 2016

K.Kandan

... Petitioner in
W.P.No.41470 of 2016

N.Raju

... Petitioner in
W.P.No.41471 of 2016

Vs

- 1 The Government of Tamil Nadu
Rep. by Secretary to Government Animal
Husbandry Dairying and Fisheries Department
Secretariat Chennai-9.
- 2 The Registrar
Tamil Nadu Veterinary and Animal Sciences
University Madhavaram Milk Colony Chennai-
51.

..... Respondents in both
the W.Ps.

Prayer in W.P.No.41470 of 2016: Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the first respondent to pass orders for counting half of the services of the petitioner as Casual Labourer from 1.9.1988 to 15.5.2006 of the petitioner on daily wage basis along with the petitioner regular service as Attendant from 16.5.2006 till the date of the petitioner Superannuation for reckoning the total qualifying service for pension and to sanction pensionary benefits to him on that basis within a limited time frame.

Prayer in W.P.No.41471 of 2016: Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the first respondent to pass orders for counting half of the services of the petitioner as Casual Labourer from 22.5.1992 to 15.5.2006 of the petitioner on daily wage basis along with the petitioner regular service as Attendant from 16.5.2006 till the date of the petitioner Superannuation for reckoning the total qualifying service for pension and to sanction pensionary benefits to the petitioner on that basis.

For Petitioner : Mr.M.Ravi,
in both the writ petitions.

For Respondents : Mr.N.Srinivasan,
Addl. Govt. Pleader, for R1
Mr.V.Gangatharan,
for R2
in both the writ petitions.

COMMON ORDER

By consent, the main writ petitions themselves are taken up for final disposal.

2. The petitioner in W.P.No.41470 of 2016 has come up with the writ petition for a mandamus, directing the first respondent to pass orders for counting half of the services of the petitioner as Casual Labourer from 1.9.1988 to 15.5.2006 on daily wage basis along with the petitioner regular service as Attendant from 16.5.2006 till the date of the petitioner Superannuation for reckoning the total qualifying service for pension and to sanction pensionary benefits to him on that basis within a limited time frame.

3. The petitioner in W.P.No.41471 of 2016 has come up with the writ petition for a mandamus, directing the first respondent to pass orders for counting half of the services of the petitioner as Casual Labourer from 22.5.1992 to 15.5.2006 of the petitioner on daily wage basis along with the petitioner regular service as Attendant from 16.5.2006 till the date of the petitioner Superannuation for reckoning the total qualifying service for pension and to sanction pensionary benefits to the petitioner on that basis.

4. Today, when the matters were taken up for consideration, learned counsel appearing for the petitioners submitted that in similar situation, this Court, by order **dated 19.12.2014 in W.P.No.33732 of 2014 (R.Yuvaraj v. Government of Tamil Nadu, rep. by Secretary to Government)**, directed the respondents therein to count half of the service rendered by the petitioners therein as Casual labourers along with regular service for the purpose of pension and the same was also implemented by the Tamil Nadu Veterinary and Animal Science University, by order dated 24.2.2015. Hence, following the same, similar order could be passed in these writ petitions also.

5. I have also heard the learned Additional Government Pleader, who has taken notice on behalf of the first respondent and the learned counsel, who has taken notice on behalf of the second respondents.

6. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim projected by the petitioners, this Court directs the petitioners to send a fresh / individual representation along with a copy of this order to the first respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the first respondent is directed to consider the said representations and pass appropriate orders, on merits and in accordance with law, and also in the light of the order of this Court **dated 19.12.2014 made in W.P.No.33732 of 2014 (R.Yuvaraj v. Government of Tamil Nadu, rep. by Secretary to Government)**, within a period of four weeks thereafter. Both the writ petitions are disposed of accordingly. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

sbi

To

1 The Secretary to Government Animal Husbandry Dairying and Fisheries Department Secretariat Chennai-9.

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

+2 ccs to Mr.M.Ravi Advocate sr 69402

+1 cc to Mr.V.Gangatharan Advocate sr 68864

+1 cc to Government Pleader sr 69641

W.P.Nos.41470 and
41471 of 2016

pvs(co)
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