

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.4968 of 2016

M.Krishnamoorthy

.. Petitioner

-VS-

1. The State of Tamil Nadu
rep.by its Secretary
Public Works Department
Fort St.George
Chennai 600 009
2. The Chief Engineer (General) &
Engineer in Chief
Public Works Department
Chennai Division, Chempauk
Chennai 600 005
3. The Assistant Executive Engineer (W.R.O.)
Public Works Department
Pazhayar Basin Sub Division
Nagercoil 629 001
4. The Principal Accountant General
O/o The Accountant General
Teynampet
Chennai 600 018

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents 1 to 3 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 between 26.2.1984 and 1.7.1998 (7 years) and the entire services rendered after being brought into regular establishment till the date of his superannuation i.e., on 30.09.2013 (15 years), in all making it as 22 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 Respondents :: Mr.S.Gunasekaran
Govt Advocate for R1 to R3

ORDER

The petitioner Mr.M.Krishnamoorthy, who was initially appointed as Mazdoor/NMR on 26.2.84 in the Public Works Department, was brought into the regular time scale of pay based on the policy of the Government after completion of ten years of service and his services were regularised with effect from 1.7.98. Thereafter, the petitioner has rendered 15 years of full service. Therefore, it is pleaded by the learned counsel for the petitioner that 50% of the casual labour service rendered by the petitioner has to be taken into account for the purpose of arriving at the qualifying service in order to make him eligible for pension and other benefits. The petitioner has also given a representation in this regard on 11.4.2015. But till date, the respondents have not disposed of the same. Hence the petitioner has come to this Court. He has also submitted that in similar circumstances, this Court had issued a direction to the respondents to consider the case of a similarly situated person by order dated 25.6.2014 in W.P.No.22127 of 2012 (E.Chelladurai v. The State of Tamil Nadu rep.by its Principal Secretary, Public Works Department and others).

2. Mr.S.Gunasekaran, learned Government Advocate takes notice on behalf of the respondents 1 to 3.

3. Considering the limited prayer made by the learned counsel for the petitioner, without going to the merits, in the light of the aforesaid order in W.P.No.22127 of 2012 dated 25.6.2014 and also Rule 11(2) of the Tamil Nadu Pension Rules, this Court hereby directs the respondents 1 to 3 to consider the representation of the petitioner dated 11.4.2015 on merits and pass appropriate orders in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. The writ petition stands disposed of accordingly. No costs.

ss

-s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Secretary to Government
Public Works Department
Fort St.George
Chennai 600 009

2. The Chief Engineer (General) &
Engineer in Chief
Public Works Department
Chennai Division, Chepauk
Chennai 600 005

3. The Assistant Executive Engineer (W.R.O.)
Public Works Department
Pazhayar Basin Sub Division
Nagercoil 629 001

4. The Principal Accountant General
O/o The Accountant General
Teynampet
Chennai 600 018

+ 1 cc to Mr.L.Chandrlakumar,Advocate, SR 8476

+ 1 cc to Government Pleader, High Court, Madras SR 8820

scd(co)
prk4/3

W.P.No.4968 of 2016



WEB COPY