

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.6543 of 2016

L.Amsaveni

.. Petitioner

-vs-

1. The State of Tamil Nadu
rep.by the Secretary
Handloom, Handicrafts, Textiles &
Khadi Department
Fort St.George
Chennai 600 009

2. The Director
Department of Sericulture
Anaimeedu
Salem 636 001

3. The Assistant Director
Department of Sericulture
Nethaji Nagar, Asthampatti
Salem 636 007

.. Respondents

Petition under Article 226 of the Constitution of India,
praying for the issue of a Writ of Mandamus, directing the
respondents to allow the petitioner to continue in service as
Sericulture worker till the completion of 60 years as per FR 56
(i).

For Petitioner

::

Ms.Lesi Saravanan

For Respondents

::

Mr.A.Kumar

1 to 3

Special Government Pleader

ORDER

Mrs.L.Amsaveni, W/o Mr.P.Ponnusamy, who was engaged as
Sericulture worker in the year 1970 on daily wages, came to be
brought n the regular time scale of pay by the order of the
third respondent dated 28.4.2010. As she has been told to
retire from service on 29.2.2016 on reaching the age of 58
years, she has come to this Court seeking a direction to the
respondents to allow her to continue in service as Sericulture
worker till the completion of 60 years as per FR 56(i).

2. Learned counsel for the petitioner submitted that although the Government in letter dated 20.6.2011 had stated that the Sericulture workers do not fall under the purview of the Tamil Nadu Basic Service Rules, the age limit of the Sericulture workers for retirement should be 60 years since, on this score, several writ petitions were filed, and in one of the writ petitions, W.P.(MD)No.9941 of 2014, this Court, considering the prayer of the petitioner therein to issue a mandamus directing the respondents to allow her to continue in service as Sericulture worker till the age of 60 years as per Rule 56(i) of the Fundamental Rules, by order dated 23.6.2014, allowed the writ petition with a direction to the respondents to permit her to continue in service as Sericulture worker till the completion of 60 years. In this regard, it is necessary to extract the relevant portions of the aforementioned order as follows:-

"5. The very same issue as to whether the age of retirement of the petitioner like persons is 58 years or 60 years, has already been considered by this Court on earlier occasion and the learned single Judge of this Court in W.P.Nos.14977 of 2011 etc., dated 24.1.2013, found that the petitioner like persons are entitled to get retired at the age of 60 years, after rejecting the claim of the State Government in placing reliance on a Government Letter, dated 20.06.2011.

6. The relevant paragraph 15 of the above said order is extracted hereunder:

"15. Therefore, it is hereby declared that the petitioners are entitled to have retired at the age of 60 years. The stand taken by the State Government vide Government Letter dated 20.06.2011 that if such a claim is conceded, there is likelihood of similar claims coming from other section, is only to be rejected. Insofar as any claim is made by similarly placed persons, then the Government will have to consider those claims as per the existing Rules and also as considered in the present cases and their claims cannot be rejected because the petitioners' claim was accepted, especially when their services were regularised and they were drawing pay lesser than the basic service."

7. Subsequently, in several other decisions, this Court has found that the age of retirement is only 60 years for the persons like the

petitioner. Accordingly, by following the above said order passed in earlier matters, this writ petition is allowed and the respondents are directed to allow the petitioner to continue in service as Sericulture worker till the completion of 60 years. No costs. Consequently, the connected miscellaneous petition is closed."

In view of the above, the learned counsel sought for a similar order in this writ petition.

3. Mr.A.Kumar, learned Special Government Pleader appearing for the respondents, on going through the order, also submitted that the issue appears to have been covered.

4. On the very same issue, this Court has passed one another order dated 21.8.2014 in W.P.(MD) No.13264 of 2014 (V.Muthaiah v. The State of Tamil Nadu rep.by the Secretary, Handloom, Handicrafts, Textiles & Khadi Department and two others), in which the learned single Judge has allowed the writ petition, following the order passed in W.P.Nos.14977, 15614 to 15616 of 2011 dated 24.1.2013, directing the respondents to retain the petitioner therein in service until he attains the age of 60 years.

5. This Court, considering the fact that the issue has already been decided against the Department of Sericulture, being bound by the aforementioned orders, is inclined to allow this writ petition. Accordingly, the writ petition stands allowed as prayed for with a direction to the respondents to permit the petitioner to continue in service as Sericulture worker till she completes the age of 60 years. Consequently, W.M.P.No.5819 of 2016 is closed. No costs.
ss

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

1. The Secretary to Government
Handloom, Handicrafts, Textiles &
Khadi Department
Fort St.George
Chennai 600 009

2. The Director
Department of Sericulture
Anaimeadu
Salem 636 001

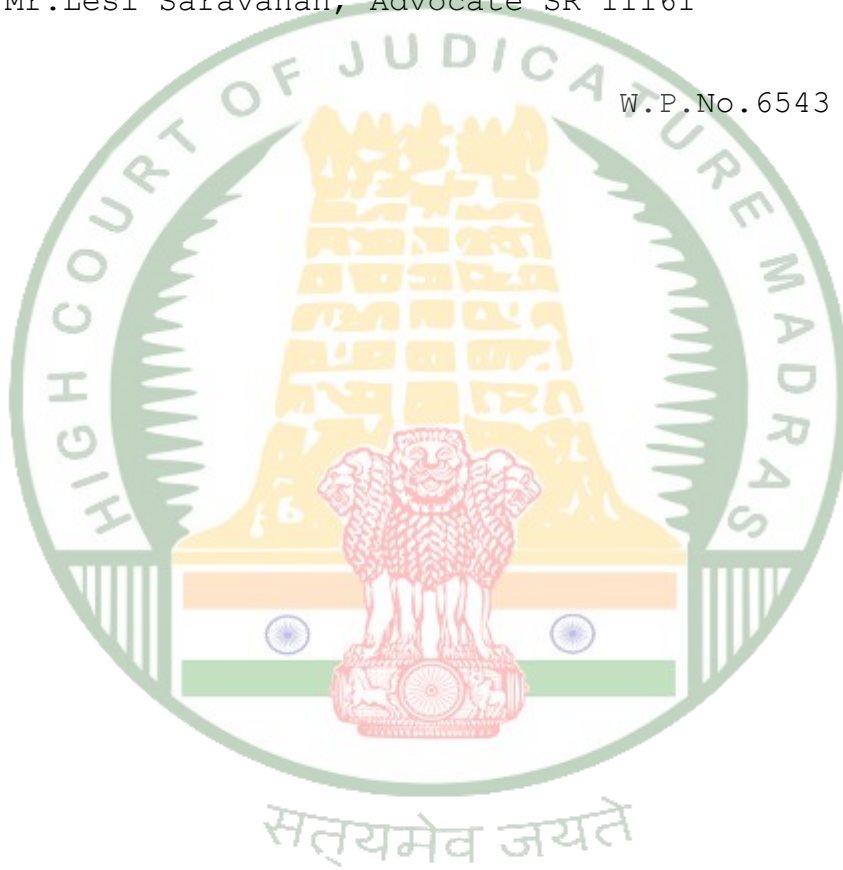
3. The Assistant Director
Department of Sericulture
Nethaji Nagar, Asthampatti
Salem 636 007

+ 1 cc to the Govt.Pleader SR 11339

+ 1 cc to Mr.Lesi Saravanan, Advocate SR 11161

jsv(co)
prk25/2

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