



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 26.10.2016
CORAM :

WEB COPY

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.20756 of 2016
and
W.M.P (MD) No.14825 of 2016

S.Rani

... Petitioner

vs.

1)The State of Tamil Nadu,
Rep. By its Secretary to Government,
Animal Husbandry, Dairying & Fisheries Department,
Fort St.George,
Chennai-600 009.

2)The Commissioner of Fisheries,
Office of the Commissioner of Fisheries,
Chennai-600 006.

3)The Director,
Directorate of Fisheries,
Administrative Office Building,
DMS Complex, Thenampet,
Chennai-600 006.

4)The Deputy Director of Fisheries,
Bhavanisagar Division,
Bhavanisagar, Erode District.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relates to the order passed by the Respondent No.4 herein in Na.Ka.No.61/A1/2016 dated 16.06.2016, quash the same and consequently direct the Respondents to calculate the services of the Petitioner from the date of original appointment on 17.09.1982 for the purpose of payment of pension and to further direct the Respondents to pay the arrears of pension within the stipulated time that may be fixed by this Hon'ble Court.

For Petitioner : Mr.D.Sivaraman

For Respondents : Mr.T.S.Mohammed Mohideen

Additional Government Pleader

**ORDER**

The petitioner was appointed as a Junior Assistant in Fish Farmers Development Agency, Pudukottai, on 17.09.1982 and subsequently absorbed into Government service vide G.O.Ms.No.4, Personnel and Administrative Reforms Department, dated 28.08.1992; he retired from service on 31.05.2014, vide PPO order dated 13.06.2014; it is the grievance of the petitioner that the respondents have calculated the services rendered by him only from 28.08.1992 to 31.05.2014 for calculation of pension and the services rendered in Fish Farmers Development Agency, Pudukottai, from 17.09.1982 to 27.08.1992 were not taken into account for calculation of pension.

2.It is the contention of the petitioner that in similar circumstances, the respondents have calculated the services of the employees from the date of their original appointments in service, vide G.O.Ms.No.1 dated 08.01.1996 and G.O.Ms.No.96 dated 17.07.2008 and therefore, similar treatment shall be given to his case also.

3.The learned Additional Government Pleader appearing for the respondents would submit that the 2nd respondent/Commissioner of Fisheries, Chennai, has addressed a letter in Na.Ka.No.32388/S3/2015 dated 19.10.2016 to the 1st respondent/Secretary to Government, Animal Husbandry, Dairying & Fisheries Department, Chennai, recommending the claim of the petitioner for counting the service of the petitioner from 17.09.1982 to 27.08.1992 and the 1st respondent is likely to consider the same within a limited period.

4.The impugned order dated 16.06.2016, has been passed by the 4th respondent/Deputy Director of Fisheries, Bhavanisagar, Erode District, stating that the services of the persons rendered in the Agency cannot be counted for the purpose of pension. Now, the 2nd respondent, who is the superior officer to the 4th respondent, himself has sent a proposal vide his letter dated 19.10.2016 to the 1st respondent recommending to count the services rendered by the petitioner in the Agency for calculation of pension and therefore, the impugned order passed by the 4th respondent is liable to be aside and accordingly set aside and the 1st respondent is directed to pass orders on the recommendation of the 2nd respondent dated 19.10.2016, by considering G.O.Ms.No.1, dated 08.01.1996 and G.O.Ms.No.96, dated 17.07.2008, within a period of twelve weeks from the date of receipt of a copy of this order.

Accordingly, this Writ Petition is ordered in above terms. No costs. Consequently, W.M.P(MD)No.14825 of 2016 is closed.

Sd/-

Assistant Registrar(RTI)



To

1) The Secretary to Government,
State of Tamil Nadu,
Animal Husbandry, Dairying & Fisheries Department,
Fort St. George, Chennai-600 009.

2) The Commissioner of Fisheries,
Office of the Commissioner of Fisheries,
Chennai-600 006.

3) The Director,
Directorate of Fisheries,
Administrative Office Building,
DMS Complex, Thenampet,
Chennai-600 006.

4) The Deputy Director of Fisheries,
Bhavanisagar Division,
Bhavanisagar, Erode District.

+1cc to Mr.D.Sivaraman, Advocate in SR No.64414
+1cc to the Spl.Govt.Pleader in SR No.64749

W.P (MD) No.20756 of 2016
26.10.2016

NBI
ANR/GSV-PM/05.12.2016/3P/7C