



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.11.2016

CORAM:

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.21279 of 2016

and

W.M.P (MD) No.15225 of 2016

V.Ramji

: Petitioner

Vs.

- 1.The Government of Tamil Nadu
rep. by its Secretary,
Social Welfare and Nutritious Meal Programme,
Fort St. George, Chennai.
- 2.The Commissioner,
Social Welfare Department,
SIDCO Old Building 2nd Floor,
Guindy, Chennai.
- 3.The Principal Accountant General
(Accounts & Entitlements),
Tamil Nadu, Anna Salai,
Chennai.
- 4.The Chief Educational Officer,
Cheranmahadevi,
Tirunelveli District.
- 5.The District Educational Officer,
Cheranmahadevi at Tirunelveli,
Tirunelveli District.
- 6.The Municipal Girls Higher Secondary School
rep. by its Headmistress, Pettai,
Tirunelveli.
(The sixth respondent is impleaded as per
order dated 11.11.2016 made in
W.M.P (MD) No.15495 of 2016).

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the
<https://hcservices.ecourts.gov.in/hcservices/>
Constitution of India praying to issue a Writ of Certiorari
Mandamus calling for the records relating to the proceedings of



the third respondent in Pen22/3/12213842/R1/14-15 dated 21.08.2015 and quash the same and direct the respondents to award pension and arrears of pension to the petitioner.

For Petitioner : Mr.P.H.Manoj Pandian

For Respondents : Mr.M.Murugan,
1,2,4,5 and 6 Government Advocate.

For Respondent No.3 : Mr.P.Gunasekaran

ORDER

This writ petition has been filed for issuance of a Certiorarified Mandamus, praying to quash the impugned proceedings dated 21.08.2015 passed in Pen22/3/12213842/R1/14-15 on the file of the third respondent and also to direct the respondents to award pension and arrears of pension to the petitioner.

2.Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents 1,2 and 4 to 6 and the learned counsel appearing for the third respondent.

3.The brief facts leading to the filing of this writ petition are as follows:

The petitioner was appointed as Child Welfare Organizer and she was paid a consolidated pay of Rs.175/- per month from 30.06.1982. As per G.O.Ms.No.2, Social Welfare and Nutritious Meal Programme, dated 03.01.1996, she was brought into special time scale of pay. She was working as Child Welfare Organizer in the time scale of pay for more than 15 years. Thereafter, she was appointed as Teacher as per employment seniority by the Teachers Recruitment Board on 03.03.2011 and she was working as Teacher from 07.03.2011 till her superannuation i.e., on 31.01.2014. When the proposal for pension was forwarded by the Education Department, the third respondent, by the impugned proceedings, dated 21.08.2015, returned the proposal, on the ground that as she was appointed to permanent post w.e.f. 07.03.2011 i.e., after 01.04.2003, she is not eligible for pensionary benefits under Tamil Nadu Pension Rules as there is no Government Orders for taking special time scale of pay sanctioned to Child Welfare Organizer w.e.f. 01.01.1996 for pensionary benefits treating them as a full time Government servant w.e.f. 01.01.1996. Thereafter, she made several representations and the same were not considered. Therefore, this writ petition has been filed.

4.The learned counsel for the petitioner would submit that the issue involved in this case is squarely covered by the decision of this Court, dated 27.01.2016, passed in W.P(MD)No.598 of 2016, wherein this Court has passed the following order:



"... Accordingly, the impugned G.O.Ms.No.34, Social Welfare and Nutritious Meal Programme Department, dated 14.03.2013 issued by the 1st respondent is quashed and a direction is issued to the respondents to count half (50%) of the past services of the petitioners in Noon-Meal/Integrated Child Development Scheme services along with their regular service for pension.

4.The first respondent Government is directed to issue appropriate orders in compliance of the aforesaid direction within the period of four weeks from the date of receipt of a copy of this order and the respondents 3 to 5 are directed to send proposals to the Principal Accountant General (A&E), Tamil Nadu, for payment of pension to the petitioner, within two weeks from the date of issuance of the orders, as stated above, by the Government and the Principal Accountant General (A&E), Tamil Nadu is directed to authorise pension within a period of two weeks from the date of receipt of the proposals".

5.The learned Government Pleader appearing for the respondents 1,2 and 4 to 6 and the learned counsel appearing for the third respondent have not disputed the above said submission made by the learned counsel for the petitioner and they would submit that it is agreeable for the respondents to consider the representation of the petitioner and to pass appropriate orders within a period of four weeks.

6.Regarding the submission made by the learned learned Government Pleader appearing for the respondents 1,2 and 4 to 6 and the learned counsel appearing for the third respondent, the respondents 1 and 2 are directed to consider the representation of the petitioner dated 05.08.2016 in the light of the orders passed in W.P(MD)No.598 of 2016, dated 27.01.2016 and to pass orders on merits and in accordance with law, within a period of four weeks, from the date of receipt of a copy of this order.

7.With the above direction, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/
Assistant Registrar(CS-II)

/TRUE COPY/

Sub Assistant Registrar



1.The Secretary,
Social Welfare and Nutritious Meal Programme,
Government of Tamil Nadu,
Fort St. George, Chennai.

2.The Commissioner,
Social Welfare Department,
SIDCO Old Building 2nd Floor,
Guindy, Chennai.

3.The Principal Accountant General
(Accounts & Entitlements),
Tamil Nadu, Anna Salai,
Chennai.

4.The Chief Educational Officer,
Cheranmahadevi,
Tirunelveli District.

5.The District Educational Officer,
Cheranmahadevi at Tirunelveli,
Tirunelveli District.

6.The Headmistress,
Municipal Girls Higher Secondary School,
Pettai, Tirunelveli.

+1CC to Mr.P.H.Manoj Pandiyan, Advocate Sr.No.68064
+1CC to Mr.P.Gunasekaran, Advocate Sr.No.68575
+1CC to Spl.Government Pleader sr.No.68628

GJM/MPA/1.12.16-4p-10C

ORDER MADE IN
W.P(MD)No.21279 of 2016
and
W.M.P(MD)No.15225 of 2016
11.11.2016