



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2016

CORAM :

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THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

Writ Petition (MD) Nos.4118, 4255, 3827 and 3641 of 2011

R.Ganesan	...	Petitioner in W.P(MD)No.4118 of 2011
T.Balasubramanian	...	Petitioner in W.P(MD)No.4255 of 2011
T.Jothivel	...	Petitioner in W.P(MD)No.3827 of 2011
N.Karuppaiah	...	Petitioner in W.P(MD)No.3641 of 2011

Vs.

1.The Secretary to Government,
Municipal Administration and
Water Supply Department,
Fort St., George,
Chennai 600 009.

2.The Commissioner,
Commissioner of Municipal Administration,
Ezhilagam,
Chennai.

3.The Commissioner,
Corporation of Trichirappalli,
Trichirappalli. ... Respondents in all W.Ps.

Prayer in W.P(MD)No.4118 of 2011: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the Respondent to compute the entire period of service from 01.11.1984 to 23.01.1994 rendered by the Petitioner on temporary basis prior to his regularization on 24.01.1994 for the purpose of counting as qualified service for the computation of pension and future retirement benefits.

Prayer in W.P(MD)No.4255 of 2011: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to compute the entire period of service from 01.11.1986 to 23.01.1994 rendered by the petitioner on temporary basis prior to his regularization on 24.01.1994 for the purpose of counting as qualified service for the computation of pension and future retirement benefits.

Prayer in W.P(MD)No.3827 of 2011: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondent to compute the entire period of service from 01.03.1986 to 02.07.1998 rendered by the petitioner on temporary basis prior to his regularization on 03.07.1998 for the purpose of counting as qualified service for the computation of pension and future retirement benefits.

Prayer in W.P(MD)No.3641 of 2011: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 2nd respondent to compute the entire period of service from 01.02.1987 to 02.07.1998 rendered by the petitioner on temporary basis prior to his regularization on 03.07.1998 for the purpose of counting as qualified service for the computation of pension and future retirement benefits.

For Petitioners : Mr.S.Arunachalam
 For Respondents 1&2 : Mr.R.Anandraj
 Government Advocate.
 For 3rd Respondent : Mr.P.Srinivas
 (In all W.Ps)

COMMON ORDER

The petitioners joined the services of the Sathanur Town Panchayat on various dates. They joined as temporary employees. They were not recruited following the rules. They were subsequently regularised on various dates and the details of the same are also given below.

Sl No	Name	Date of Birth & Age	W.P. No.	Date of Joining	Date of Regularisation	Temporary Service	Nature of work
1	T.Balasubrmanian	30.06.1961 (49/2011)	4255/ 2011	01/11/ 1986	24/01/ 1994	7 years 3 months	Tax Collector
2	R.Ganesan	01.07.1960 (50/2011)	4118/ 2011	01/11/ 1984	24/01/ 1994	9 years 3 months	Pump operator
3	N.Karuppaiah	10.03.1962 (48/2011)	3641/ 2011	01/02/ 1987	03/07/ 1998	11 years 5 months	Pump Operator
4	T.Jothivel	25.03.1966 (44/11)	3827/ 2011	01/03/ 1986	03/07/ 1998	12 years 4 months	Pump Operator

2.The petitioners have now filed the present writ petitions seeking to count the entire temporary service for the purpose of pension.

3.On the other hand, learned Special Government Pleader has submitted that the petitioners could not seek for counting the service rendered as temporaries.

4.In reply, learned counsel for the petitioners submits that in any event, 50% of the temporary service could not be denied pursuant to the G.O.Ms.No.408, Finance (Pension) Department, dated 25.08.2009.

5.I have considered the submissions made on either side.

6.The details relating to the dates of joining and the dates of regularisation of the services, the length of temporary service and the nature of work are referred to above. The petitioners were regularised on different dates and those orders are not challenged. Therefore, they could not seek for regularisation from the date of their initial



appointment. Furthermore, their initial appointment was not following the recruitment rules. In any event, the respondents shall not deny their benefit of G.O.Ms.No.408, Finance (Pension) Department, dated 25.08.2009 as rightly contended by the learned counsel for the petitioners. The respondents shall take into account the 50% of the service rendered as temporaries by the petitioners for the purpose of terminal benefits.

7.In these circumstances, the writ petitions are disposed of directing the respondents to take into account the 50% of the temporary service rendered by the petitioners for the purpose of terminal benefits. No costs.

Sd/-

Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

To

1.The Secretary to Government,
Municipal Administration and
Water Supply Department,
Fort St., George, Chennai 600 009.

2.The Commissioner,
Commissioner of Municipal Administration,
Ezhilagam, Chennai.

+4cc to Mr.S.Arunachalam, Advocate SR.No.16417,16414 to 16416

+1cc to Mr.P.Srinivas, Advocate SR.No.16804

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