

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.31399 of 2017

N.Dhanaraj

.. Petitioner

-vs-

1. The Assistant Director
Kancheepuram District
Kancheepuram

2. The Director of Town Panchayats
O/o the Directorate of Town Panchayats
4th Floor, Kuralagam
Chennai 600 108

3. The Executive Officer
Walajabad Town Panchayat
Kancheepuram District

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to count the petitioner's past service from 1983 to 1998 and 2001 to 2006 along with regular service as per the Government Order for the purpose of pension and grant pension with effect from 01.12.2013 onwards and pay arrears of pension along with all pensionary benefits.

For Petitioner

:: Mr.K.M.Subramanian

For Respondents

:: Mr.V.Jayaprakash Narayanan
Special Government Pleader
for R1 & 2
Mr.R.Prathap Kumar

Additional Government Pleader for R3

ORDER

This writ petition has been filed seeking a mandamus to the respondents to count the petitioner's past service from 1983 to 1998 and 2001 to 2006 along with the regular service rendered

by the petitioner with the third respondent.

2. Learned counsel for the petitioner submitted that the writ petitioner joined as Electrical Helper on 8.7.83 in the Tamil Nadu Steels Limited, Arakkonam, a Government of Tamil Nadu Enterprise, by the order passed by the Chief Administrative Officer, Arakkonam and he continued till the date it was wound up. Consequently, the petitioner and other staff were relieved from service under the voluntary retirement scheme and as such, he was relieved from service with effect from 31.7.98 under the voluntary retirement scheme based on the Government Order. Then, the Government took a policy decision in G.O.Ms.No.524, Industries (MIA.I) Department dated 21.8.98 to absorb the retrenched employees of the Tamil Nadu Steels Limited in other public sector undertakings including the State Transport Corporations. After sometime, one another G.O.Ms.No.623, Industries (MIA.I) Department dated 22.9.98 was issued with a clarification that the G.O.Ms.No.524 dated 21.8.98 would be made applicable to TNEB, Municipal Corporations, Municipalities and Town Panchayats. Pursuant to the above Government Order, the third respondent issued a call letter on 12.1.2001 in Na.Ka.No.339/99 with instructions to the petitioner to appear before the third respondent on 16.2.2001 at about 11.00 A.M., for the post of Electrician of Walajabad Town Panchayat. On his appearance, he was found eligible and subsequently appointed as Electrician on consolidated pay at Rs.2,000/- per month on 27.4.2001. From the date of joining the third respondent on 27.4.2001, he has rendered limited number of service making it insufficient to get the pensionary benefits. Therefore, a direction may be issued to count his past service rendered in the Tamil Nadu Steels Limited, Arakkonam from 8.7.83 to 31.7.98 along with the service rendered in the third respondent from 2001 to 2006, he pleaded.

3. In my considered opinion, the claim of the petitioner cannot be considered. The reason is that when a clarification was issued in G.O.Ms.No.623, Industries (MIA.I) Department dated 22.9.98 that the G.O.Ms.No.524 dated 21.8.98 would be made applicable to TNEB, Municipal Corporations, Municipalities and Town Panchayats also apart from public sector undertakings, in order to absorb the retrenched employees of the Tamil Nadu Steels Limited, Arakkonam, the petitioner, immediately after his appointment in the third respondent panchayat in 2001, should have made a representation seeking to count his past service, which he has not done. Secondly, the letter No.23148/MIA.I/94-8 dated 7.3.2001 issued by the Secretary to Government, Industries (MIA.I) Department also shows that priority has been given for appointment only as a measure to rehabilitate the ex-employees of the Tamil Nadu Steels Limited. Therefore, this Court is unable to find any merit in the writ petition. Accordingly, the

writ petition is dismissed. No costs.

Sd/-
Assistant Registrar (CCC)

//True copy//

Sub Assistant Registrar

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To

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Chennai 600 108
3. The Executive Officer
Walajabad Town Panchayat
Kancheepuram District

+2cc to Government Pleader SR.No.87377

W.P.No.31399 of 2017

NR (CO)
GN (27/12/2017)

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