

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.1339 of 2017

Mrs.Pappamma

...Petitioner

vs.

- 1.Government of Tamil Nadu,
Rep by its Principal Secretary,
Animal Husbandry, Dairying and
Fisheries (AHS) Department,
Secretariat, Chennai-9.
- 2.The Commissioner of Animal Husbandry and
Veterinary services,
DMS Compound,
Chennai-600 006.
- 3.The Regional Joint Director,
Animal Husbandry Department,
Dharmapuri District,
Dharmapuri.
- 4.The Deputy Director,
Animal Husbandry Department,
District Livestock Farm,
Hosur, Krishnagiri District.
- 5.The Accountant General of Tamilnadu,
Office of the Accountant General,
Anna Salai, Teynampet,
Chennai-18.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to count half of the service rendered by the petitioner's husband viz., A.Ganesan as Animal Husbandry Assistant (on temporarily services) on and from 01.09.1990 to till 23.03.2007 along with regular service rendered by him as Animal Husbandry Assistant in the regular post on from 24.03.2007 to 30.06.2013 as qualifying service for pensionary benefits and send the proposal to the 5th respondent for grant pension with all consequential monetary benefits.

For Petitioner : Mr.M.R.Jothimanian

For Respondents : Mr.K.Dhananjayan,
Special Govt. Pleader for R1 to R4

Mr.V.Vijayashankar for R5

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The petitioner would state that she is the wife of Late A.Ganesan, who was working as Animal Husbandry Assistant in the fourth respondent farm and retired from service on 30.06.2013 and thereafter, died on 12.05.2014. According to the petitioner, her husband was appointed as Animal Husbandry Assistant on 01.09.1990 by the respondent Department on temporary basis and posted at the fourth respondent division and his name was included in the State wide seniority list drawn by the second respondent for appointment of time scale of pay and thereafter, appointed as Animal Husbandry Assistant on 24.03.2007 by the third respondent herein in the Time Scale of Pay with effect from 01.01.2006 on completion of 10 years as per G.O.Ms.No.22, Personnel & Administrative Reforms Department dated 28.02.2006 and claimed to have put in more than 23 years of hard, sincere and unblemished service. The petitioner would further state that her husband was appointed in the year 1990 and after 15 years, his services were regularized on 24.03.2007 and as per G.O.Ms.No.22, P&AR Department dated 28.02.2006 and G.O.Ms.No.528, Environment and Forest Department dated 10.10.1998, the services put forward by temporary/part-time employees have to be regularized on completion of 10 years from the date of appointment and since the petitioner's husband has completed more than 10 years of service, he is entitled to get pension and would further aver that Rule 11(2) of the Tamil Nadu Pension Rules, 1978 provides that half of the services paid from contingencies should be counted for the purpose of calculating qualifying service for pension and the said issue is also covered by the decisions of this Court dated 18.06.2014 made in W.P.No.12656 of 2013 [P.Chinniyar v. The State of Tamil Nadu, Rep by its Secretary to Government, Chennai-9 and four others], order dated 31.07.2015 made in W.P.No.23480 of 2015 [P.K.Kaliappan v. Government of Tamil Nadu, Rep by its Principal Secretary to Government, Forest and Environment Department, Chennai-9 and 3 others] and judgment dated 06.06.2013 made in W.A.No.667 of 2013 [The Government of Tamil Nadu and 5 others v. M.Periyasami]. The petitioner, in this regard, has also sent a

representation dated 20.12.2016 to the respondents 3 and 4 in person and also to the respondents 1 and 2 through proper channel and however, no orders have been passed and therefore, came forward with this writ petition.

3. Heard the submissions of the learned counsel appearing for the petitioner, Mr.K.Dhananjayan, learned Special Government Pleader appearing for the respondents 1 to 4, Mr.V.Vijayashankar, learned counsel appearing for the fifth respondent and also perused the entire materials available on record.

4. Though the petitioner has prayed for larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in his representation or in this writ petition, directs the respondents 3 to 4 to consider and dispose of the petitioner's representation dated 20.12.2016 and pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

5. This Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

jvm

To

1. The Principal Secretary,
Government of Tamil Nadu,
Animal Husbandry, Dairying and
Fisheries (AHS) Department,
Secretariat, Chennai-9.

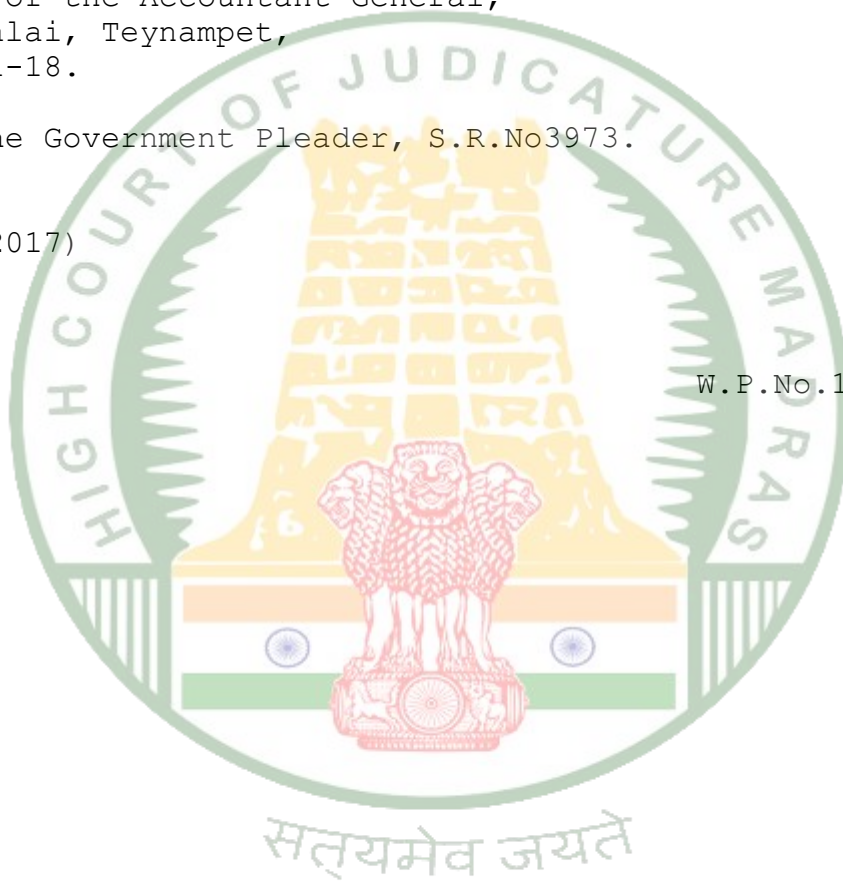
2. The Commissioner of Animal Husbandry and
Veterinary services,
DMS Compound,
Chennai-600 006.

3. The Regional Joint Director,
Animal Husbandry Department,
Dharmapuri District, Dharmapuri.
4. The Deputy Director,
Animal Husbandry Department,
District Livestock Farm,
Hosur, Krishnagiri District.
5. The Accountant General of Tamilnadu,
Office of the Accountant General,
Anna Salai, Teynampet,
Chennai-18.

+1cc to the Government Pleader, S.R.No3973.

SK(CO)
RS(01/02/2017)

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