

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.5.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.29013 of 2014 and M.P.No.1 of 2014

T.Mohan

..Petitioner

Vs.

- 1 The State of Tamilnadu rep. by
the Secretary to Government,
Education Department,
Secretariat, Chennai -9.
 - 2 The Director of School Education,
College Road, Chennai - 9.
 - 3 The District Educational Officer,
Kanchipuram District,
Kanchipuram.
- ...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to add the service rendered by the petitioner from 11.7.1994 to 10.7.2004 for the purpose of pension and pensionary benefits alone atleast and consequently direct the respondents to pay all the monetary and service benefits.

For Petitioner: Mr.R.Singaravelan,
Senior Counsel
for M/s. M. Srividhya
For Respondents: Mr.R.Vijayakumar, A.G.P.

ORDER

The petitioner was initially appointed to the post of Water Supplier through the Employment Exchange and he joined service on 11.7.1994. By virtue of long service, his service was regularised with effect from 10.7.2004.

2. The grievance advanced by the writ petitioner is that the duration of his service as temporary Water Supplier from 11.7.1994 to 9.7.2004 is not taken into account for the purpose

of calculation of pensionary benefits. In this regard, the learned Senior counsel appearing for the petitioner has taken this Court to the amended Rule 11 of Tamilnadu Pension Rules, 1978. The Government has amended Rule 11 by issuing G.O.Ms.No.41, Finance (Pension), dated 9.2.2010, accordingly half of the service rendered under the State Government in non-provincialised service, consolidated pay, honorarium or daily wages basis on or after 1st January, 1961 in respect of Government employees absorbed in regular service before 1st April shall be counted for retirement benefits along with regular service, subject to the conditions stipulated therein.

3 In view of the amended pension rules, the writ petitioner has submitted representation to the respondents on 24.10.2010 which is yet to be considered. Hence, it is suffice to direct the first respondent to consider the representation of the petitioner, dated 24.10.2010 on merit and pass appropriate orders in accordance with law, within a period of 12 weeks from the date of receipt of a copy of this order.

The writ petition stands disposed of. No costs. Consequently, connected M.P.No.1 of 2014 is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

- 1 The Secretary to Government,
Education Department,
Secretariat, Chennai - 9.
- 2 The Director of School Education,
College Road, Chennai - 9.
- 3 The District Educational Officer,
Kanchipuram District,
Kanchipuram.

+1cc to M/S. M. Srividhya, Advocate, S.R.No.37505
+1cc to the Government Pleader, S.R.No.37505

RV(CO)

Eu 22/5/17

W.P.No.29013 of 2014