

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2017

CORAM:

THE HONOURABLE Mr. JUSTICE V.PARTHIBAN

W.P.No.1945 of 2017

Mrs.Gowramma

Petitioner

..Versus..

1. The Government of Tamil Nadu,
Rep. by its Principal Secretary,
Animal Husbandry, Dairying and Fisheries (AHS) Department,
Secretariat,
Chennai - 600 009.
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 Assistant Director,
Animal Husbandry Department,
Dharmapuri District,
Dharmapuri.
5. The Deputy Director,
Animal Husbandry Department,
District Livestock Farm,

Hosur, Krishnagiri District.

6. Accountant General of TamilNadu,
Office of the Accountant General,
Anna Salai, Teynampet,
Chennai - 600 018.

... 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., S.Ravi, as Animal Husbandry Assistant (on temporary services) on from 02.06.1994 to till 30.12.2005, along with the regular service rendered by him as Animal Husbandry Assistant in the regular post on from 01.01.2006 to 24.11.2013, as qualifying service for pensionary benefits, and send the proposal to the 6th respondent, grant family pension to the petitioner with all consequential monetary benefits.

For Petitioners in all W.Ps. : Mr..M.R.Jothimanian

For Respondents in all W.Ps. : Mr.M.Elumalai
Government Advocate

ORDER

By consent, the main Writ Petition is taken up for final

disposal.

2. The petitioner has come up with the present writ petitions, praying for issuance of writ of mandamus, directing the respondents 1 to 3 to count half of the service rendered by her husband as Animal Husbandry Assistant on temporary basis along with the regular service rendered by him as Animal Husbandry Assistant in the regular post as qualifying service for grant of pensionary benefits and send the proposal to the sixth respondent, for grant of family pension with all consequential monetary benefits.

3. Today, when the case came up for admission, the learned counsel appearing for the petitioner has submitted that the issue involved in the Writ Petition is no longer *res integra*, as similarly placed person filed W.P. No. 8205 of 2011, seeking to count half of the service rendered by him on temporary basis along with regular service, as qualifying service for the purpose of calculation of pension and other retirement benefits. The said Writ Petition was allowed by this Court, by order dated 19.04.2011, which was also confirmed by the Hon'ble Division Bench of this Court, by judgment dated 13.02.2012, passed in W.A. Nos. 27 & 28 of 2012, and the

same was also affirmed by the Hon'ble Supreme Court, by order dated 10.05.2012, passed in Special Leave Petitions, viz, in SLP (C) Nos. 14838 to 14839 of 2012 and 16119 to 16120 of 2012, and the Revision Petition (C) No.1418 of 2013, filed against the said order, dated 10.05.2012, was also dismissed by the Hon'ble Supreme Court, by order, dated 30.07.2013, and the order was also implemented by the Government by issuing G.O.Ms. No.183 Environment and Forest Department, dated 18.07.2012. Therefore, the learned counsel submitted that, following the order, dated 19.04.2011, made in W.P. No. 8205 of 2011, the present Writ Petition may also be allowed.

4. The learned Government Advocate, who accepts notice on behalf of the respondents has fairly conceded that the issue involved in the Writ Petition is covered by the order, dated 19.04.2011, made in W.P. No. 8205 of 2011, relied upon by the learned counsel appearing for the petitioner.

5. Thus, in the light of the order, dated 19.04.2011, passed by this Court in W.P. No. 8205 of 2011, and considering the fact that,

following the said order, umpteen number of Writ Petitions were also allowed, present Writ Petition is also allowed. Consequently, the respondents 1 to 5 are directed to count half of the service rendered by the petitioner's husband from 02.06.1994 till 30.12.2005, on temporary basis along with regular service rendered by him from 01.01.2006 to 24.11.2013, the date prior to his death on 24/11/2013, so as to enable the petitioner to get family pension and send revised proposals to the sixth respondent/Accountant General, Teynampet, Chennai, within a period of eight weeks from the date of receipt of a copy of this order and the Accountant General, is directed to consider the same and pass orders within a period of six weeks thereafter. No costs.

05.05.2017

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Index : yes/no

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V.PARTHIBAN.,J.,

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