

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :29.11.2017

CORAM

THE HONOURABLE Mr. JUSTICE V.PARTHIBAN

W.P.No.19201 of 2009

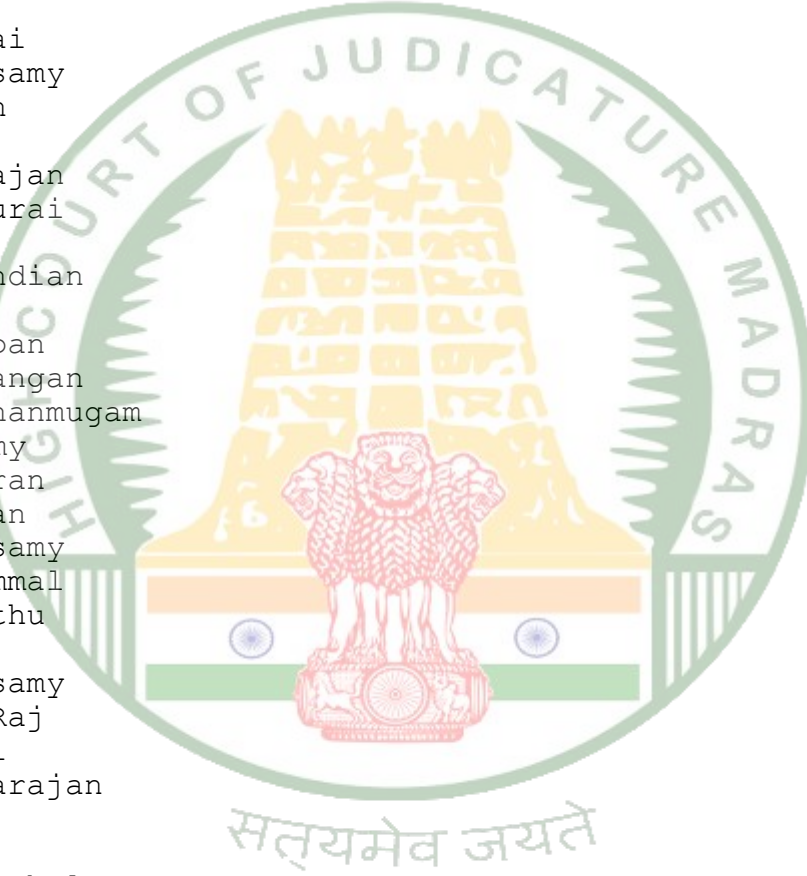
- 1.K.Rangagapillai
- 2.K.R.Ramani
- 3.S.Moopan
- 4.N.Ezhumalai
- 5.P.Govindasamy
- 6.Gunaseelan
- 7.T.Gopal
- 8.M.Sundarrajan
- 9.E.Chelladurai
- 10.N.Lazer
- 11.A.Kasipandian
- 12.C.Palani
- 13.K.Ariyappan
- 14.S.Pandurangan
- 15.K.Raja Shanmugam
- 16.S.Ramasamy
- 17.T.Sugumaran
- 18.A.Krishnan
- 19.N.Periyasamy
- 20.R.Azhagammal
- 21.R.Angamuthu
- 22.K.Gopal
- 23.A.Karupusamy
- 24.A.Durai Raj
- 25.R.Padmini
- 26.K.Thiyagarajan
- 27.A.Raju
- 28.K.Kani
- 29.P.Venkadachalam
- 30.R.Thirumalraj
- 31.M.Raman

Vs.

.... Petitioners

1.The State of Tamil Nadu,
rep. By its Secretary,
Public Works Department,
Fort St. George, Chennai - 9.

2.The State of Tamil Nadu,
rep. By its Secretary,
Finance Department,
Fort St. George, Chennai - 9.



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3.The Chief Engineer (General)
Public Works Department,
Chepauk, Chennai - 5.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to compute the entire period of services including the Nominal Muster Roll/Causal services rendered by the petitioners herein for the purpose of qualifying service and for grant of pension and other pensionary benefits and to consequently extend all accrued benefits arising thereto.

For Petitioners : Mr.L.Chandrakumar

For Respondents : Mr.S.Gunasekaran
Additional Government Pleader
for RR1 to R3

ORDER

The petitioners have approached this Court for seeking the following reliefs:

to issue a Writ of Mandamus to direct the respondents to compute the entire period of services including the Nominal Muster Roll/Causal services rendered by them for the purpose of qualifying service and for grant of pension and other pensionary benefits and to consequently extend all accrued benefits arising thereto.

2.According to the petitioners, they were all initially appointed as Nominal Muster Roll Employees (NMR) between 1987 and 1989 under the respondents and subsequently, their services came to be regularised on completion of 10 years of service vide G.O.Ms.No.680 dated 01.06.1989 and also other relevant Government Orders on the subject matter.

3.However, the date of their initial appointments on the casual service till they were regularised, was not taken into consideration for the purpose of qualifying services for grant of pension and other pensionary benefits. Therefore, they are before this Court seeking for the relief stated supra.

4.During the pendency of the writ petition, the Government has issued G.O.Ms.No.408 dated 25.08.2009 amending the Pension Rules under Section 11(2) stating that 50% of the casual service shall be counted for the purpose of payment of pension and other benefits.

5. In view of the amendment brought in by the Government under Section 11 of the Pension Rules, according to the learned counsel for the petitioners, the petitioners are entitled to count 50% as qualifying service for the purpose of pension. This fact of amendment to Section 11(2), other Pension Rules cannot be disputed by the learned counsel appearing for the respondents.

6. In the above circumstances, this Court is of the view that a direction shall be issued with the respondents to apply amended Rule 11(2) and grant 50% of the service rendered by the petitioners as qualifying service for the purpose of payment of pensionary benefits to the petitioners.

7. In this regard, the petitioners are directed to submit individual representations to the competent authority, by giving the details of the casual employment with supporting material, within a period of two weeks from the date of receipt of copy of this order. The respondents/competent authority shall consider the representations and pass appropriate orders, in terms of amended Rule 11(2) of the Pension Rules, within a period of four weeks thereafter.

8. It is made clear that in case the pensioners have already been extended with the benefit of the amended Rule 11(2), this direction need not be complied with.

9. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar

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Sub Assistant Registrar

Sgl

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To

1.The Secretary,
The State of Tamil Nadu,
Public Works Department,
Fort St. George, Chennai - 9.

2.The Secretary,
The State of Tamil Nadu,
Finance Department,
Fort St. George, Chennai - 9.

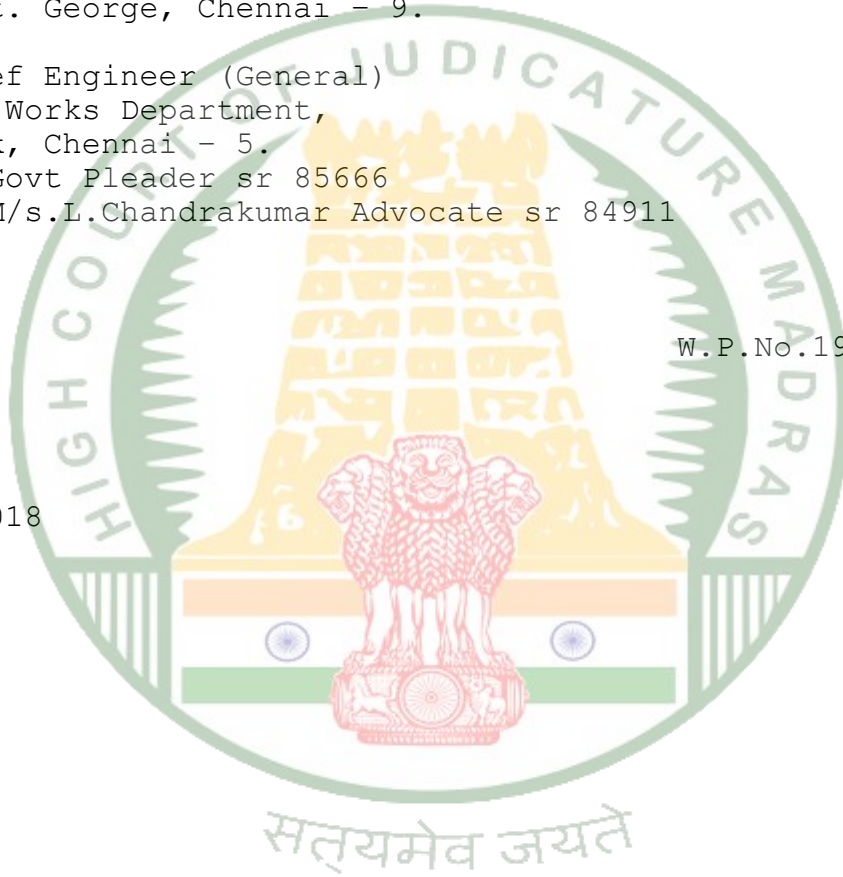
3.The Chief Engineer (General)
Public Works Department,
Chepauk, Chennai - 5.

+1 cc to Govt Pleader sr 85666

+1 cc to M/s.L.Chandrakumar Advocate sr 84911

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