



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:17.08.2017
CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.A. (MD) No.1081 of 2014
and
M.P. (MD) .No.1 of 2014

1. State of Tamil Nadu,
Represented by Secretary,
Animal Husbandry Department,
Fort St.George,
Chennai.
 2. The Director of Animal Husbandry,
D.M.S. Compound,
Chennai-6.
 3. The Joint Director of Animal Husbandry,
Sivagangai.
- : Appellants

Vs.

A.Pandiammal : Respondent

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent Act praying to set aside the order made in W.P.(MD).No.13429 of 2011, dated 27.06.2014 on the file of the Madurai Bench of Madras High Court, Madurai.

Prayer in WP(MD) . 13429/ 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF CERTIORARI MANDAMUS, to call for the records in Mu.Mu.No.50820/N3/2011, dated 04-10-2011 passed by the 3rd Respondent and quash the same and further direct the Respondents to grant full Pension to the Petitioner by implementing the G.O.118 Finance (Pension) Department, dated 14-02-1996.

For Appellants	: Mr.T.S.Mohamad Mohideen Additional Government Pleader
For Respondent	: Mr.S.Vellaichamy For Mr.M.V.Venkataseshan

**JUDGMENT**

[Judgment of the Court was made by **G.R. SWAMINATHAN, J.**]

The State Government is on appeal challenging the order dated 27.06.2014, made in W.P.(MD).No.13429 of 2011, filed by the respondent herein. The husband of the respondent was initially appointed as Junior Mazdoor on daily wage basis in Tamil Nadu Poultry Corporation in 1975(TAPCO). He was later appointed as Junior Mazdoor in the Animal Husbandry Department. He retired from his service on 31.03.2003. If his service in Tamil Nadu Poultry Corporation (TAPCO) is also included, his service would be 28 years and he would have been eligible for full pension. But his pension was not sanctioned. In the mean time, he passed away on 04.09.2003. The respondent has been denied family pension. She made several representations to the authorities. By the impugned order dated 04.10.2011, her request was declined. She filed W.P. (MD).No.13429 of 2011.

2.The learned Single Judge held that as per G.O.(MS).No.118, Finance (Pension) Department, dated 14.02.1996, half of the service rendered under TAPCO should be included while calculating regular service for pensionary benefits. The learned Judge took note of the fact that a co-worker by name B.Subramanian, filed W.P.(MD).No.10144 of 2011 and the same was allowed.

3.The case of the respondent was found to be on parwith the same. Therefore her writ petition was allowed and the authorities were directed to pass appropriate orders granting full pension by implementing G.O.(MS).No.118 Finance (Pension) Department, dated 14.02.1996. The reasons assigned by the learned Judge are sound. We do not want to take different view. There is no merit in the writ appeal. It stand dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To

1. The Secretary,
State of Tamil Nadu,
Animal Husbandry Department,
Fort St.George,
Chennai.



2. The Director of Animal Husbandry,
D.M.S. Compound,
Chennai-6.

3. The Joint Director of Animal Husbandry,
Sivagangai.

+ 1 CC TO MR.M.V.Venkataseshan , ADVOCATE IN SR No.72957

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No.73198

tsg

MK/KK/SAR-2/06.11.2017/3P/6C

Judgment made in
W.A. (MD) No.1081 of 2014
and
M.P. (MD) .No.1 of 2014
Dated :17.08.2017