

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2018

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.17523 of 2011

T.Anbalagan

.. Petitioner

vs.

1.The Secretary to Government,
Home (Police) Department,
Government of Tamil Nadu,
Chennai-9.

2.The Director General of Police,
Tamilnadu, Chennai-4.

3.The Accountant General,
(Accounts & Entitlements),
Tamilnadu, Teynampet,
Chennai - 18.

4.The Commissioner of Police,
Chennai Sub-urban Police,
St.Thomas Mount, Chennai-16.

.. Respondents

Prayer.: Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus to direct the respondents to include the petitioner's service rendered in Military as well as BHEL (5 years 318 days and 4 years 59 days respectively) for the purpose of pensionary benefits and the pension proposals at an early date as fixed by this Court.

For Petitioner : Mr.S.Venkatesh

For R1, R2 and R4 : Mr.M.Karthikeyan
Addl.Govt.Pleader

For R3 : Ms.T.S.Selvarani

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O R D E R

This writ petition has been filed to issue a writ of Mandamus to direct the respondents to include the petitioner's service rendered in Military as well as BHEL (5 years 318 days and 4 years 59 days respectively) for the purpose of pensionary benefits and the pension proposals.

2. According to the petitioner, the petitioner was an Ex-service man and recruited in Indian Army on 09.03.1977 and discharged from Army service on 25.02.1983. The petitioner rendered total service of five years eleven months and 16 days in Army. It is further submitted that after getting discharged from Army Service, he was directly recruited in Bharat Heavy Electricals Limited(BHEL), Ranipet, Vellore District as Security Sub-Inspector Grade-III on 26.07.1983 through Employment Exchange and resigned the same on 25.09.1987 as he got appointment order from the Tamil Nadu Police Department. The staff Number assigned to the petitioner was 4154827/BAP, BHEL, Ranipet. The petitioner rendered his service at BHEL for 4 years, 1 month and 10 days. Thereafter, the petitioner has made a representation to the second respondent dated 12.02.2007 to include his military service as well as BHEL for the purpose of pensionary benefits. But till date, no order has been passed. Hence, the petitioner has filed the present writ petition.

3. The learned counsel for the petitioner would submit that the petitioner has given a representation dated 12.02.2007 to the second respondent to count the military service for the purpose of pensionary benefits. But the second respondent has rejected the request of the petitioner quoting Rules 16(2) (a) of the Tamil Nadu Pension Rules, 1978.

4. The learned Additional Government Pleader would submit that the p-petitioner had also submitted a letter received from BHEL, in which it has been stated that the petitioner was not paid any terminal benefits viz., gratuity and pension as he was not eligible for the same. As requested by the petitioner, a proposal has been sent to the third respondent. But the third respondent-Accountant General, Tamil Nadu, in his letter No.Pen.4/11/pt.1023/11-12,d dated 28.06.2011, has stated that the petitioner is eligible for counting of past service in this regard in service book under alteration and directed to obtain specific Government orders from the Government of Tamil nadu for the inclusion of service rendered in BHEL. But, on considering such proposal, the Government in their Letter No.60814/Police.3/2011-7, dated 28.12.2015, have rejected the request of the petitioner. Based on the above letter, the petitioner was given an endorsement in Endt.No.037256/Pension-1/2011, dated 28.01.2016 by the Director General of Police, Tamil Nadu, Chennai. The petitioner has requested a proposal to the third respondent. But the Government has rejected the proposal of the petitioner in their letter No.6081/Police.3/2011-7 dated 28.12.2015. Hence he prays for dismissal of this writ petition. As per the Tamil Nadu Pension Rules, 1978, as amended from time to time, request of the petitioner for counting his previous services rendered in Indian Army and BHEL could not be considered.

5. In the light of the abovesaid rejection order, the learned counsel for the petitioner requested liberty to challenge the aforesaid order, after obtaining the orders from the Government.

6. Recording the submission made by the counsel for both sides, this writ petition is dismissed with liberty to the petitioner, to challenge the order passed by the first respondent, if he so advised. No cost.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

kkd

To

- 1.The Secretary to Government,
Home (Police) Department,
Government of Tamil Nadu,
Chennai-9.
- 2.The Director General of Police,
Tamilnadu, Chennai-4.
- 3.The Accountant General,
(Accounts & Entitlements),
Tamilnadu, Teynampet,
Chennai - 18.
- 4.The Commissioner of Police,
Chennai Sub-urban Police,
St.Thomas Mount,
Chennai-16.

+1cc to Mr.S.Venkatesh, Advocate, S.R.No.81053
+1cc to the Government Pleader, S.R.No.81427

BR(CO)

rrs 19/02/2019

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