

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2018

CORAM :

THE HONOURABLE MR. JUSTICE SATRUGHANA PUJAHARI

W.P. No.6443 of 2018
and
WMP.No.7956 of 2018

M.Perumal

..Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Secretary,
Animal Husbandry Department,
Fort. st. George, Chennai - 9
 2. The Commissioner and Director of Animal Husbandry,
D.M.S.Compound,
Chennai 600 006.
 3. The Assistant Director of Animal Husbandry,
Erode
- ...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 implement the G.O.No.86 Animal Husbandry and Fisheries (FS-V) Department, dated 14.08.2003 to the case of the petitioner by accepting his offer of surrendering provident fund and gratuity received by TAPCO conferring full pension treating the service of the petitioner in the said TAPCO for pension.

For Petitioner : Mr.M.V.Venkateshan
For Respondents : Mr.V.Kadhirvelu,
Special Government Pleader for R1 to R3

O R D E R

It appears in this case, the petitioner had rendered 20 years of service in a Tamil Nadu Poultry Development

Corporation (TAPCO) and by a policy decision of the Government of Tamil Nadu closed the TAPCO and 104 employees including the petitioner were transferred and appointed as Government Servants as per G.O.91, Animal Husbandry and Fisheries (TAPCO) Department dated 06.06.2000. The petitioner further submit that his service was continuous and without any break and were absorbed in the office of the Commissioner and Director of Animal Husbandry, Chennai and therefore, as per G.O.Ms.No.118 Finance (Pension) Department dated 14.02.1996 that half of the service rendered by the petitioner under TAPCO shall be allowed to be counted for pensionary benefits along with regular service under the respondent.

2. The learned counsel appearing for the petitioner would submit that in similar circumstances, one of the similarly situated employee under the respondent filed an WP No.10296 of 2006 for payment of pension and the said writ petition was allowed by this Court on 12.01.2006 and directed the respondent to implement G.O.Ms.No.118 dated 14.02.1996. Aggrieved by the same, the respondent/the Management filed an WA. No.302 of 2008 before the Hon'ble Madurai Bench which was dismissed on 18.07.2008 with a direction to the Appellant /Management to treat the case of the respondent / employee as similar to that of the employees of four boat building yards and apply the benefits of G.O.Ms.No.118 Finance (Pension) Department dated 14.02.1996 and G.O.Ms.No.86 Animal Husbandry and Fisheries (FS-V) Department dated 14.08.2003 and pass suitable orders to that effect within a period of eight weeks from the date of receipt of that order and also the subsequent order passed by this Court in WP No.14318 of 2011. The grievance now expressed by the petitioner in this writ petition is that though he is entitled to the benefit of past service rendered, relying on such decisions of the Hon'ble Madurai Bench, the petitioner's case has not been considered for granting such benefits and therefore, the petitioner came forward to file this writ petition with a prayer to direct the respondents to implement the G.O.No.86 Animal Husbandry and Fisheries (FS-V) Department, dated 14.08.2003 to the case of the petitioner by accepting his offer of surrendering provident fund and gratuity received by TAPCO conferring full pension treating the service of the petitioner in the said TAPCO for pension

3. The learned counsel appearing for the respondent would submit that let the petitioner file a representation indicating the aforesaid and on receipt of such representation, the petitioners' case shall be examined, whether the same is covered by the decisions of Hon'ble Madurai Bench and if the similarly situated employees are granted benefits thereof and accordingly, the case of the petitioner will also be considered.

4. Considering the facts and submissions, this Court dispose of this writ petition by giving liberty to the petitioner, if it is so advised to make a representation in this regard to the respondent within a period of three weeks from the date of receipt of copy of this order and on receipt of such representation, the 2nd respondent concerned shall examine and take a informed and considered decision on the same, in accordance with law, within a period of eight weeks thereafter. However, it is made clear that this Court has not expressed any opinion on the merit of such representation of the petitioner in any manner. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

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Rep. by its Secretary,
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Fort. st. George, Chennai - 9
2. The Commissioner and Director of Animal Husbandry,
D.M.S.Compound,
Chennai 600 006.
3. The Assistant Director of Animal Husbandry,
Erode.

+1cc to Mr.M.V.Venkataseshan, Advocate, S.R.No.41765

W.P.No.6443 of 2018

SSV(CO)
GSP(24/07/2018)

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