

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2018

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.23315 of 2011
and M.P.No.1 of 2011

1.P.Deepavali
2.G.Ganesan
3.T.Palani
4.P.Gangasalam

..Petitioners

Vs

1.The Government of Tamil Nadu
Rep. by its Secretary
Social Welfare Department
Fort St.George, Chennai-600 009

2.The Director
Social Welfare Department
PWD Complex
Chepauk, Chennai-600 005

3.The Commissioner
Integrated Child Development Scheme
Tharamani, Chennai-600 113

4.The Programme Officer (ICDS)
19A, Ramathas Naidu Street
Puthupalayam, Cuddalore-606 001

..Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, to direct the 1st and 2nd respondent to issue a Government order on par with G.O.Ms.No.86 dated 14.08.2003 as directed by this court by order dated 08.12.2009 in W.P.No.8415 of 2009 and the order dated 30.06.2010 in W.P.No.5325 of 2010 by accepting option letter dated 17.07.2007, 25.07.2007 & 23.07.2007 and to counter services rendered in the erstwhile TACEL towards pension and all other terminal benefits and all other consequential benefits arising thereof.

For Petitioner : Mr.V.Govardhanan
for M/s.Row and Reddy.

For Respondents : Mr.Karthikeyan, AGP
for R1 to R4.

ORDER

The Prayer in the Writ Petition is to issue a Writ of Mandamus, to direct the 1st and 2nd respondent to issue a Government order on par with G.O.Ms.No.86 dated 14.08.2003 as directed by the order of this court dated 08.12.2009 in W.P.No.8415 of 2009 and the order dated 30.06.2010 in W.P.No.5325 of 2010 by accepting option letter dated 17.07.2007, 25.07.2007 & 23.07.2007 and to counter services rendered in the erstwhile TACEL, towards pension and all other terminal benefits and all other consequential benefits arising thereof.

2. The Petitioners submit that their services are terminated from TACEL on account of closure of Tamil Nadu Ceramics Limited [TACEL]. The Writ Petitioners filed Writ Petitions in W.P.1019, 1020, 1193 and 1194 of 1989 challenging the order of termination. This court disposed of the Writ Petitions directing the Government to consider reemployment of the Petitioners. On 16.08.1990, TACEL replied that they could not reemploy the Petitioners. On a reconsideration, the 1st respondent Social Welfare Department by an order dated 08.05.1992, offered the Petitioners the job of Watchman. Subsequently, 1st and 3rd petitioners were promoted as Office Assistant. Thereafter, the Petitioners 1 to 3 got superannuated, whereas the 4th Petitioner is stated to be working in the 2nd respondent Department. The Petitioners further given their option dated 17.07.2007, 25.07.2007 and 23.07.2007 for counting the services rendered in TACEL. Since no reply is forthcoming the Petitioners filed W.P.No.8415 of 2009 and W.P.No.5325 of 2010. This court allowed W.P.No.8415 of 2009 by an order dated 08.12.2009 directing the 1st and 2nd respondent to consider their case. According to the Petitioners, the 1st respondent Department had not passed any order counting their services rendered in TACEL for the purpose of pension.

3. The Respondents filed counter affidavit stating that as the Petitioners have extended their willingness to repay the retrenchment benefits to the Government Account, careful scrutiny of the period the Petitioners served in TACEL, period of unemployment, the period served in Social Welfare Department and the retrenchment benefits received by the Petitioners, necessary proposal has been prepared and sent to 1st respondent

for counting the services of the Petitioners in TACEL for Pension as per Roc.No.5729/Admn 6(3)/2012 dated 14.03.2018 of the 2nd respondent. Further, in the counter affidavit, the details regarding Petitioners' name and their designation, date of joining in TACEL, date of retrenchment from TACEL, Period of service in TACEL, Period of unemployment, date of joining in social welfare department, date of retirement and details of retrenchment benefits were given in detail.

4. It is submitted by the learned Additional Government Pleader that the respondents have not denied the services rendered by the Petitioners in TACEL. In the counter affidavit, it is further stated that a temporary slow-down in the process of extension of pension to the petitioners occurred due to various factors, however, a speedy action is in progress to count the services of the petitioners in TACEL for Pension.

5. The learned Additional Government Pleaders, on instructions, further submitted that proposals for granting Pension to the Petitioners by counting their services rendered in erstwhile TACEL is in progress and orders will be passed in this regard.

6. Taking into consideration the submission of the learned Additional Government Pleader, the respondents 1 and 2 are directed to consider the services of the Petitioners in the erstwhile TACEL and pass necessary orders in accordance with law, within a period of 12 weeks from the date of receipt of a copy of this order. It is open to the Petitioners to approach the concerned authority to seek interest for the delayed payment of pension.

7. In fine, the Writ Petition is disposed of with the above directions. No costs. Consequently, connected MP is closed.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

nvsri

To

1. The Secretary to Government of Tamil Nadu
Social Welfare Department
Fort St.George, Chennai-600 009

2.The Director
Social Welfare Department
PWD Complex
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3.The Commissioner
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4.The Programme Officer (ICDS)
19A, Ramathas Naidu Street
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+1 cc to M/s.Row & Reddy, Advocate, S.R.No.84542

+1 cc to the Government Pleader, S.R.No.85149

W.P.No.23315 of 2011

RSI (CO)

SSM(24/01/2019)