

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K. SASIDHARAN
and
THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.A.No.362 of 2014
and M.P.No.1 of 2014

- 1.The Secretary,
Government of Tamil Nadu,
Public Works Department,
Fort St.George, Chennai - 600 009.
- 2.The Executive Engineer,
Public Works Department,
Krishna Drinking Water Supply Scheme,
Division No.VIII,
Chepauk, Chennai - 600 005.
- 3.The Assistant Executive Engineer,
Public Works Department,
Krishna Drinking Water Supply Scheme,
Sub-Division No.III,
Division No.VIII,
New Chatiram, Chennai - 600 124.

... Appellants/Respondents

G.Rajamanickam

.... Respondent

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent against the order passed in W.P No.23690 of 2010 dated 24.11.2010.

WP.No.23690 of 2018

Writ Petition filed under Article 226 of the constitution of India praying for the issuance of a writ of certiorarified Mandamus calling for the records of the third respondent herein in his Proceedings No.Na.Ka.No.Vu.Se.Po.3/Ko.6/96/2010, dated 06/08/2010 and quash the same and consequently Direct the respondents to regularize the Petitioner appointment for the post of Irrigation Assistant with effect from 07.06.1982 onwards and consequently direct the respondents to sanction family pension gratuity etc. to the Petitioner

For Appellants : Mr.N.Manikandan
Govt.Advocate

For Respondent : Mr.S.Arivazhagan

J U D G M E N T

[Judgment of the Court was delivered by
R.SUBRAMANIAN,J.]

The challenge in this intra court appeal is to the order of the learned single Judge dated 24.11.2010, in and by which, the writ petition filed by the respondent seeking to quash the order dated 06.08.2010 declining his request for pension on the ground that he has not completed ten years of service in a pensionable post, was allowed.

2. It is the case of the respondent that he joined service as an Irrigation Assistant on 07.06.1982 and his services were regularised with effect from 02.01.2008. The respondent attained the age of superannuation on 12.11.2009. According to the respondent, under Rule 11(2) of the Tamil Nadu Pension Rules, the appellants are obliged to count half of the service rendered on contingency basis for pension.

3. Mr.Manikandan, learned Government Advocate appearing on behalf of the appellants would submit that the respondent joined the service only on 16.11.1985 and not on 07.06.1982 as claimed by him. Even assuming that the respondent has joined service as a temporary employee on 16.11.1985, till the date of regularisation i.e., 02.01.2008, he has put in nearly 23 years of service. Even if half of that service is taken into account, it would be more than ten years and hence, the respondent would be entitled to pension in view of Section 11(2) of the Tamil Nadu Pension Rules. The learned single Judge has relied upon Rule 11(2) to uphold the claim made by the respondent. Hence, we see no reason to interfere with the order passed by the learned single Judge.

4. The intra court appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1.The Secretary,
Government of Tamil Nadu,
Public Work Department,
Fort St.George, Chennai-600 009

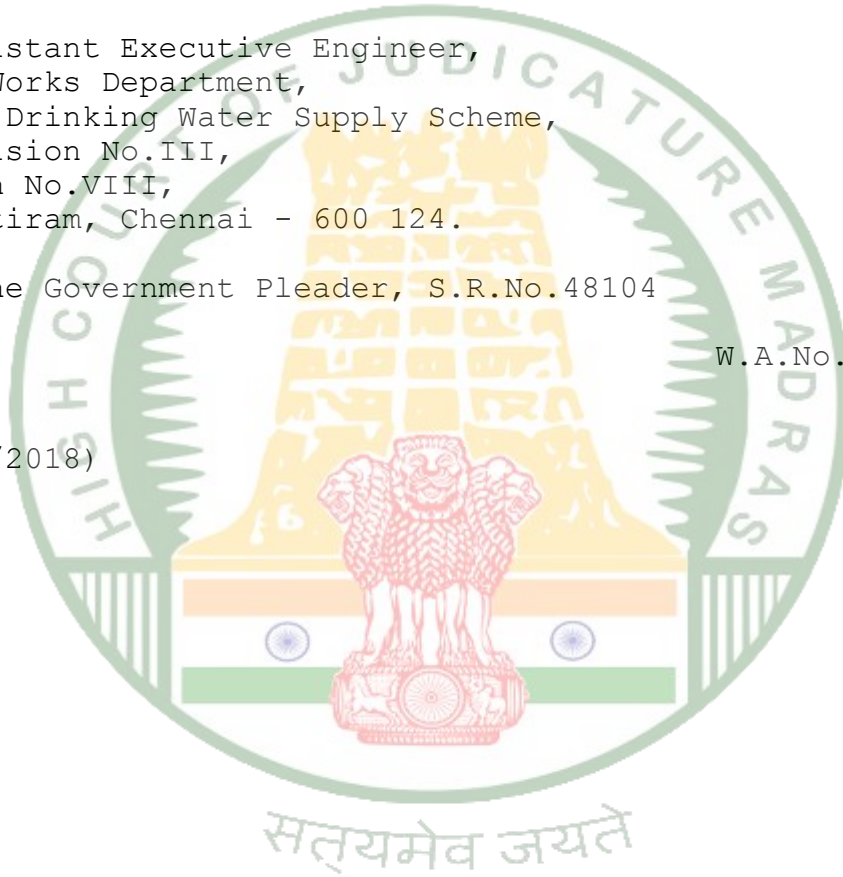
2.The Executive Engineer,
Public Works Department,
Krishna Drinking Water Supply Scheme,
Division No.VIII,
Chepauk, Chennai - 600 005.

3.The Assistant Executive Engineer,
Public Works Department,
Krishna Drinking Water Supply Scheme,
Sub-Division No.III,
Division No.VIII,
New Chatiram, Chennai - 600 124.

+1cc to the Government Pleader, S.R.No.48104

W.A.No.362 of 2014

NMI (CO)
GSP (10/08/2018)



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