

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2018

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.2205 to 2209 of 2018

W.P.No.2205 of 2018 :

N.Periyasamy .. Petitioner

-vs-

1. Government of Tamil Nadu
rep.by The Principal Secretary to Government
School Education Department
Fort St.George
Chennai 600 009

2. The Director of Public Libraries,
Anna Salai, Chennai.

3. The District Library Officer,
Veerapathira Chetty Street,
Erode.

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to allot GPF Account Number for grant of pension to the petitioner under the Tamil Nadu Pension Rules, 1978 (Old Pension Scheme) by counting 50% of the services rendered by the petitioner in the post of Part Time Librarian, Double Part Time Librarian, Village Librarian from 02.01.1991 to 10.12.2006 along with his regular service in the post of Grade III Librarian from 11.12.2006.

W.P.No.2206 of 2018 :

A.Ragupathi .. Petitioner

-vs-

1. Government of Tamil Nadu
rep.by Principal Secretary to Government
School Education Department
Fort St.George
Chennai 600 009

2. The Director of Public Libraries,
Anna Salai, Chennai.

3. The District Library Officer,
Veerapathira Chetty Street,
Erode.

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to allot GPF Account Number for grant of pension to the petitioner under the Tamil Nadu Pension Rules, 1978 (Old Pension Scheme) by counting 50% of the services rendered by the petitioner in the post of Part Time Librarian, Double Part Time Librarian, Village Librarian from 05.12.1995 to 10.12.2006 along with his regular service in the post of Grade III Librarian from 11.12.2006.

W.P.No.2207 of 2018 :
V.Murugesan

.. Petitioner

-vs-

1. Government of Tamil Nadu
rep.by Principal Secretary to Government
School Education Department
Fort St.George
Chennai 600 009

2. The Director of Public Libraries,
Anna Salai, Chennai.

3. The District Library Officer,
Veerapathira Chetty Street,
Erode.

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to allot GPF Account Number for grant of pension to the petitioner under the Tamil Nadu Pension Rules, 1978 (Old Pension Scheme) by counting 50% of the services rendered by the petitioner in the post of Part Time Librarian, Double Part Time Librarian, Village Librarian from 31.01.1990 to 10.12.2006 along with his regular service in the post of Grade III Librarian from 11.12.2006.

W.P.No.2208 of 2018 :
K.I.Vincent Babu

.. Petitioner

-vs-

1. Government of Tamil Nadu
rep.by The Principal Secretary to Government
School Education Department
Fort St.George
Chennai 600 009

2. The Director of Public Libraries,
Anna Salai, Chennai.

3. The District Library Officer,
Veerapathira Chetty Street,
Erode.

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to allot GPF Account Number for grant of pension to the petitioner under the Tamil Nadu Pension Rules, 1978 (Old Pension Scheme) by counting 50% of the services rendered by the petitioner in the post of Part Time Librarian, Double Part Time Librarian, Village Librarian from 01.12.1993 to 10.12.2006 along with his regular service in the post of Grade III Librarian from 11.12.2006.

W.P.No.2209 of 2018 :

N.Ravi

.. Petitioner

-vs-

1. Government of Tamil Nadu
rep.by the Secretary to Government
School Education Department
Fort St.George
Chennai 600 009

2. The Director of Public Libraries,
Anna Salai, Chennai.

3. The District Library Officer,
Veerapathira Chetty Street,
Erode.

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to allot GPF Account Number for grant of pension to the petitioner under the Tamil Nadu Pension Rules, 1978 (Old Pension Scheme) by counting 50% of the services rendered by the petitioner in the post of Part Time Librarian, Double Part Time Librarian, Village Librarian from 30.06.2001 to 10.12.2006 along with his regular service in the post of Grade III Librarian from 11.12.2006.

For Petitioners in all W.Ps. :: Mr.R.Prem Narayan

For Respondents in all W.Ps. :: Mr.P.Raja,
Govt. Advocate

COMMON ORDER

The above writ petitions have been filed by the petitioners seeking issuance of a writ of mandamus, directing the respondents to allot G.P.F. Account Number for grant of pension to them under the Tamil Nadu Pension Rules, 1978 (Old Pension Scheme) by counting 50% of their service rendered on consolidated pay in the post of Part Time Librarian, Double Part Time Librarian, Village Librarian respectively along with their regular service in the post of Grade III Librarian from 11.12.2006.

2. The petitioners were initially appointed as Part Time Librarians and later on, since the part time libraries were upgraded as Village Libraries, they were posted as Librarians on Double Part Time wage basis. Thereafter, the petitioners were regularly appointed as Village Librarians on consolidated pay. While so, the District Library Officer, Erode issued orders dated 10.12.2006 regularising the services of the petitioners in the post of Grade III Librarian and as such, the petitioners have joined in the regular time scale of pay as Grade III Librarians in their respective Library.

3. In an identical situation, similarly placed persons approached this Court in W.P.Nos.272 of 2008 and 14416 of 2007 and obtained orders from this Court on 23.2.2011 and 9.4.2011 respectively directing the respondents to count 50% of the part time service rendered by them in the post of part-time Vocational Instructor for the purpose of pensionary benefits along with the regular service. The said order was also implemented by issuance of G.O.Ms.No.130, School Education Department dated 18.7.2013. Therefore, the petitioners herein gave a representation on 22.01.2018 to the respondents seeking similar benefits. Since no order has been passed, the petitioners have approached this Court by filing these Writ Petitions.

4. Heard Mr.R.Prem Narayanan, learned counsel for the petitioners and Mr.P.Raja, learned Government Advocate for the respondents.

5. Though the learned Government Advocate for the respondents contended that G.O.Ms.No.130 dated 18.7.2013 is not applicable to the petitioners, as it was applicable only to the petitioner therein, the said contention is rejected, since the petitioners are also similarly placed and there is no embargo to extend the benefit to these petitioners also.

6. In these cases, the petitioners have already worked as Part Time Librarians, Double Part Time Librarians, Village

Librarians and subsequently, their services were approved. On 11.12.2006, the petitioners were appointed in the regular time scale of pay as Grade III Librarian. As per the orders passed by this Court in W.P.Nos.272 of 2008 and 14416 of 2007 dated 23.2.2011 and 9.4.2011 respectively, 50% of the past service in the post of Vocational Instructor along with the regular service has to be calculated for the purpose of pensionary

benefits. Therefore, this Court, taking into consideration of the implementation of the order passed in the earlier writ petitions, directs the respondents herein to count 50% of the part-time service rendered by the petitioners as stated above in the prayers along with the regular service for the purpose of pensionary benefits and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order. The writ petitions are disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS IV)

//True copy//

Sub Assistant Registrar

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To

1. The Principal Secretary to Government,
Government of Tamil Nadu
School Education Department
Fort St.George
Chennai 600 009

2. The Director of Public Libraries,
Anna Salai, Chennai.

3. The District Library Officer,
Veerapathira Chetty Street,
Erode.

W.P.Nos.2205 to 2209/2018

MP(CO)
GN(01/03/2018)