

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2018

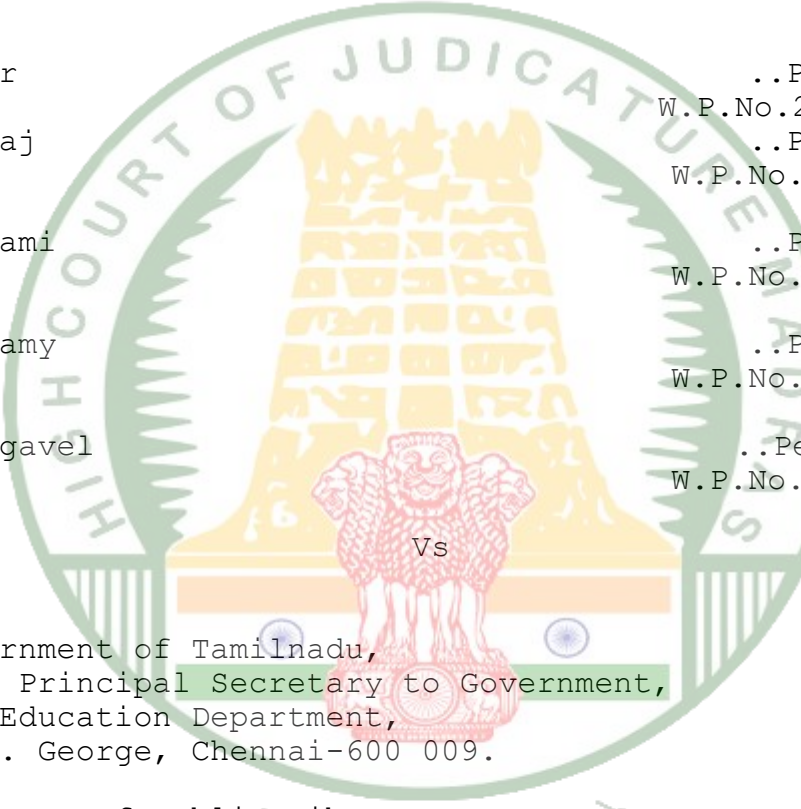
CORAM:

THE HONOURABLE MR. JUSTICE SATRUGHANA PUJAHARI

W.P.No.27783 to 27787 of 2017

&

WMP.Nos.29769 to 29773 of 2017 &
WMP.No.9627 & 9964 to 9966 of 2018

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- 1.A.Sridhar ..Petitioner in
W.P.No.27783 of 2017
- 2.S.Selvaraj ..Petitioner in
W.P.No.27784 of 2017
- 3.P.Ponnusami ..Petitioner in
W.P.No.27785 of 2017
- 4.N.Muthusamy ..Petitioner in
W.P.No.27786 of 2017
- 5.S.R.Thangavel ..Petitioner in
W.P.No.27787 of 2017
- Vs
- 1.The Government of Tamilnadu,
rep. by Principal Secretary to Government,
School Education Department,
Fort St. George, Chennai-600 009.
- 2.The Director of Public Library,
Directorate of Public Library,
No.731, Anna Salai,
Chennai-600 002.
- 3.The District Library Officer,
Erode District,
Erode.
- .. Respondents

Prayer:-

Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus:

(i) to direct the respondents to count 50% of petitioner's services rendered in the post of Village Librarian for the period from 17.06.1998 to 25.10.2006 and add the same to the regular service rendered in the post of Grade III Librarian for a period from 26.10.2006 to the date of retirement and count the same as qualifying service under the Tamil Nadu Old Pension Scheme for the purpose of pensionary benefits and issue a consequential direction to the respondents to grant all pensionary benefits(W.P.No.27783 of 2017).

(ii) to direct the respondents to count 50% of petitioner's services rendered in the post of Village Librarian for the period from 11.06.1998 to 25.10.2006 and add the same to the regular service rendered in the post of Grade III Librarian for a period from 26.10.2006 to the date of retirement and count the same as qualifying service under the Tamil Nadu Old Pension Scheme for the purpose of pensionary benefits and issue a consequential direction to the respondents to grant all pensionary benefits(W.P.No.27784 of 2017).

(iii) to direct the respondents to count 50% of petitioner's services rendered in the post of Village Librarian for the period from 31.12.1998 to 25.10.2006 and add the same to the regular service rendered in the post of Grade III Librarian for a period from 26.10.2006 to the date of retirement and count the same as qualifying service under the Tamil Nadu Old Pension Scheme for the purpose of pensionary benefits and issue a consequential direction to the respondents to grant all pensionary benefits(W.P.No.27785 of 2017).

(vi) to direct the respondents to count 50% of petitioner's services rendered in the post of Village Librarian for the period from 09.02.2001 to 25.10.2006 and add the same to the regular service rendered in the post of Grade III Librarian for a period from 26.10.2006 to the date of retirement and count the same as qualifying service under the Tamil Nadu Old Pension Scheme for the purpose of pensionary benefits and issue a consequential direction to the respondents to grant all pensionary benefits(W.P.No.27786 of 2017).

(v) to direct the respondents to count 50% of petitioner's services rendered in the post of Village Librarian for the period from 03.01.2000 to 25.10.2006 and add the same to the regular service rendered in the post of Grade III Librarian for a period from 26.10.2006 to the date of retirement and count the same as qualifying service under the Tamil Nadu Old Pension Scheme for the purpose of pensionary benefits and issue a consequential direction to the respondents to grant all pensionary benefits(W.P.No.27787 of 2017).

For Petitioner : Mr.R.Saseedharan(in all Wps)

For Respondents : Mrs.P.Kavitha, G.A(in all Wps)

COMMON ORDER

These writ petitions have been filed seeking for a direction to the respondents to count 50% of the services rendered by the petitioners in the post of Village Librarian for the period from 17.06.1998 to 25.10.2006, 11.06.1998 to 25.10.2006, 31.12.1998 to 25.10.2006, 09.02.2001 to 25.10.2006 & 03.01.2000 to 25.10.2006 respectively and add the same to the regular service rendered in the post of Grade III Librarian for a period from 26.10.2006 to the date of retirement under the Tamil Nadu Old Pension Scheme for the purpose of pensionary benefits and for a consequential direction to the respondents to grant all pensionary benefits.

2. Heard Mr.R.Saseedharan, learned counsel for the petitioners and Mr.P.Kavitha, learned Government Advocate for the respondents.

3.The grievance of the petitioners is their pension has not been revised counting 50% of their services rendered as Village Librarian before their services were taken over by the Government as per Rule 11(2) of the Tamil Nadu Pension Rules 1978, hence, they sought for writ of mandamus directing the respondents to count 50% of their service rendered as Village Librarian before their services were taken over by the Government and revise their pension and pay the arrears monetary benefit to them.

4. Mr. R.Saseedharan, learned counsel for the petitioners has submitted that in the similar facts and situation, this Court has passed an order granting the relief of counting of service of 50% of service rendered on temporary basis in W.P.No.11512 of 2018 dated 28.04.2018 in the case of (T.Kuppusamy Vs. the Revenue Divisional Officer, Kallakurichi and another). The learned counsel further submits that the case of the petitioners has been squarely covered by the above said decision. Hence, in such premises though the authority ought to have taken a decision in their favour by revising their pension counting the aforesaid 50% of service, but guilty of inaction, even if the representations in this regard, are made. Hence, they sought for a direction to consider their representations in the light of the decision rendered in the case of (T.Kuppusamy Vs. the Revenue Divisional Officer, Kallakurichi and another).

5. Mrs.P.Kavitha, the learned Government Advocate has no objection for the same.

6. Considering the above facts and the submissions made by the learned counsel on either side and without going into the merits of the case, these writ petitions are disposed of, with a direction to the respondents to consider the representations of the petitioners dated 13.4.2016, 13.04.2016, 11.08.2017, 11.08.2017 & 11.08.2017 respectively and dispose of the same in the light of the order passed in W.P.No.11512 of 2018 dated 28.04.2018 in the case of (T.Kuppusamy Vs. the Revenue Divisional Officer, Kallakurichi and another) and pass appropriate orders on merits and in accordance with law within a period of three weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Dn

11.6.2018

For Being Mentioned

These Writ petitions having been set down this day for being mentioned pursuant to the order of this court dated 11/06/2018 in the presence of Mr.R.Sasidharan Advocate for the petitioner and of Mrs.P.Kavitha, Government Advocate for the respondents the court made the following order:-

This matter has been listed under the caption 'for being mentioned'.

2.I am, prima facie, satisfied that there is no error in the order. The learned counsel for the petitioners also does not want to press the matter further. Hence, no further order is required.

Sd/-

सत्यमेव जयते
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Government of Tamilnadu,
rep. by Principal Secretary to Government,
School Education Department,
Fort St. George, Chennai-600 009.

2. The Director of Public Library,
Directorate of Public Library,
No.731, Anna Salai, Chennai-600 002.

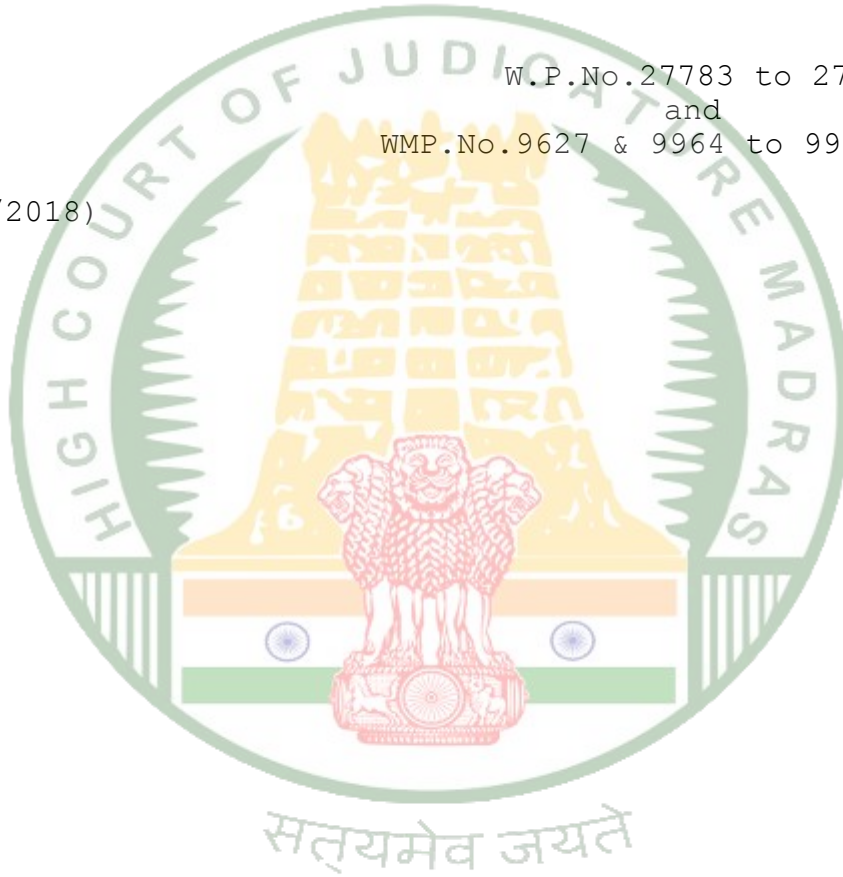
3. The District Library Officer,
Erode District, Erode.

+5cc to Mr.R.Sreedharan, Advocate SR.No.37150, 37149, 37148,
37147, 37146

+1cc to the Government Pleader, S.R.No. 58422, 58423

W.P.No.27783 to 27787 of 2017
and
WMP.No.9627 & 9964 to 9966 of 2018

ASK(06/09/2018)



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