

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2018

CORAM:

THE HONOURABLE MR. JUSTICE SATRUGHANA PUJAHARI

W.P.No.18326 of 2018

Smt.Dhanam

..Petitioner

Vs

1.The Government of Tamil Nadu,  
rep. by Principal Secretary to Government,  
Agriculture Department,  
Secretariat,  
Chennai-600 009.

2.The Chief Engineer,  
(Agricultural Engineering),  
Chennai- 600 035.

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to count 50% of the services of the petitioner rendered from 01.02.1986 to 10.12.2006 alongwith petitioner's regular service as Mazdoor from 11.12.2006 to 31.07.2018 for arriving at the total qualifying service for pension and to grant pensionary benefits on that basis and disburse the monetary benefits with interest within a limited time frame.

For Petitioner : Mr.M.Ravi

For Respondents: Mrs.R.Janaki, AGP

ORDER

This writ petition has been filed seeking for a direction to the respondents to count 50% of the service rendered alongwith petitioner's regular service as Mazdoor from 11.12.2006 to 31.07.2018 for arriving at the total qualifying service for pension and to grant pensionary benefits on that basis and disburse the monetary benefits with interest within a limited time frame.

2. Heard Mr.M.Ravi, learned counsel for the petitioner and Mrs.R.Janaki, learned Additional Government Pleader for the respondents.

3.The grievance of the petitioner is her pension has not been revised counting 50% of his service rendered as Mazdoor before her service was taken over by the Government as per Rule 11(2) of the Tamil Nadu Pension Rules 1978, hence, she seeks for a writ of mandamus directing the respondents to count 50% of her service rendered as Mazdoor before her service was taken over by the Government and revise her pension and pay the arrears monetary benefit to her.

4. Mr.M.Ravi, learned counsel for the petitioner 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 i.e., in the case of T.Kuppusamy Vs. the Revenue Divisional Officer, Kallakurichi and another. The learned counsel further submits that the case of the petitioner is squarely covered by the said decision. Hence, in such premises though the authority ought to have taken a decision in her favour by revising her pension counting the aforesaid 50% of service, but guilty of inaction, even if a representation in this regard, is made. Hence, she seeks for a direction to consider her representation in the light of the decision rendered in the case of T.Kuppusamy (supra).

5. Mrs.R.Janaki, the learned Additional Government Pleader 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, this writ petition is disposed of, with a direction to the respondents to consider the representation of the petitioner dated 01.12.2017 and dispose of the same in the light of the order passed in W.P.No.11512 of 2018 dated 28.04.2018 i.e., 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.

Sd/-  
Assistant Registrar (CS VIII)

//True copy//

Sub Assistant Registrar

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TO

1. The Principal Secretary to Government,  
The Government of Tamil Nadu,  
Agriculture Department,  
Secretariat,  
Chennai-600 009.

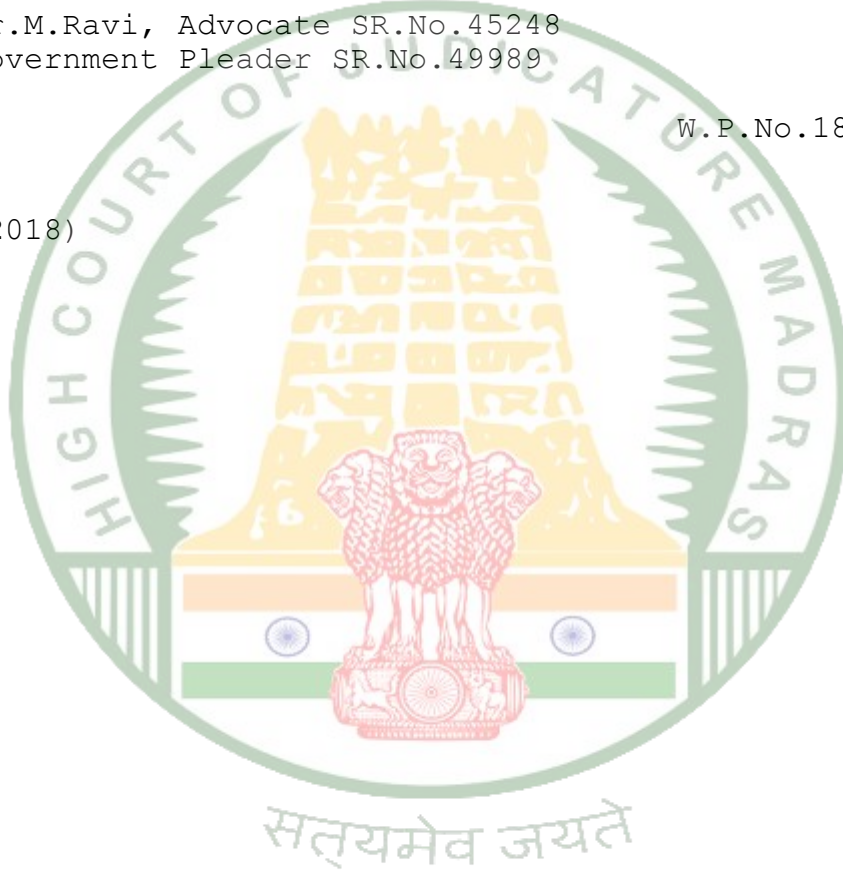
2.The Chief Engineer,  
(Agricultural Engineering),  
Chennai- 600 035.

+1cc to Mr.M.Ravi, Advocate SR.No.45248

+1cc to Government Pleader SR.No.49989

W.P.No.18326 of 2018

GJII(CO)  
GN(31/08/2018)



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