



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 13.02.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)Nos.1280 & 1281 of 2018

A.Karunakaran ... Petitioner in WP(MD)No.1280 of 2018
A.Alagu ... Petitioner in WP(MD)No.1281 of 2018

Vs.

1.The Director of Town Panchayat,
Kuralagam, Chennai - 108.

2.The Collector, Sivagangai District.

3.The Assistant Director of
Town Panchayat,
Sivagangai District.

4.The Executive Officer,
Mandamadurai Town Panchayat,
Sivagangai District.

... Respondents in both cases

Prayer in WP(MD)No.1280 of 2018 : Writ petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents to count one half of the service rendered by the petitioner from January 1992 to 30.11.2007 as qualifying service and count the same along with the regular service rendered from 30.11.2007 to 30.06.2015 for the purpose of Pension, Gratuity, Leave Encashment and all other admissible and terminal benefits and pay all the pensionary benefits and refund the deductions made from the petitioner's salary for the Contributory Pension Scheme (CPS) and Special Provident Fund Scheme (SPF) in the light of the several decisions of this Court including the Judgment in WA(MD)No.1026 of 2015 dated 30.09.2015.

Prayer in WP(MD)No.1281 of 2018 : Writ petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents to count one half of the service rendered by the petitioner from May 1992 to 30.11.2007 as qualifying service and count the same along with the regular service rendered from 30.11.2007 onwards till superannuation for the purpose of Pension, Gratuity, Leave Encashment and all other admissible and terminal benefits and pay all the pensionary benefits and refund the deductions made from the petitioner's salary for the Contributory Pension Scheme (CPS) and Special Provident Fund Scheme (SPF) in the light of the several decisions of this Court including the Judgment in WA(MD)No.1026 of 2015 dated 30.09.2015.



For petitioners
in both cases
For Respondents
in both cases

: Mr.V.Vijayshankar
: Mr.K.Saravanan.
Government Advocate for R1 to R3
Mr.G.Muthukannan for R4

WEB COPY

ORDER

WP(MD)No.1280 of 2018 :

The petitioner in this case is a retired employee in the fourth respondent Panchayat. He was sponsored by the employment exchange. He was appointed on 16.12.1991 on temporary basis. His services were regularized on 01.12.2007. He retired from service on 30.06.2015. The case of the petitioner is that the authorities must count one half of the service rendered by him from 1992 to 30.11.2007 as qualifying service and added to the regular service rendered by him from 30.11.2007 to 30.06.2015 for the purpose of Pension and other retiral benefits.

2.The stand of the respondents appears to be that since the petitioner's services were regularized after Contributory Pension Scheme came into force, it is not possible to compute one half of the service put in by him earlier as a temporary employee. This issue is no longer res integra.

3.In a catena of decisions, this Court has held that the employees will be entitled to count one half of the services put in by them as a temporary employees even though their services were regularized after 01.04.2003. The petitioner has enclosed a copy of the Judgment dated 30.09.2015 in WA(MD)No.1026 of 2015 in the typed set of papers.

4.This Court went through the said Judgment. It cannot be disputed that the issue on hand is squarely covered by the aforesaid decision. In this view of the matter, this writ petition stands allowed. No costs.

WP(MD)No.1281 of 2015 :

As regards the petitioner in this case, the only difference is that the petitioner is a serving employee. Excepting this, there is no other difference. The issue on hand is similar. Therefore, this writ petition also stands allowed. No costs.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar



To

1.The Director of Town Panchayat,
Kuralagam, Chennai - 108.

2.The Collector, Sivagangai District.

3.The Assistant Director of
Town Panchayat,
Sivagangai District.

4.The Executive Officer,
Mandamadurai Town Panchayat,
Sivagangai District.

+1cc to Special Government Pleader, SR.No. 48943
+2cc to M/S.V.Vijayshankar, Advocate SR.No. 48195

W.P. (MD) Nos.1280 & 1281 of 2018
13.02.2018

SKM

JM/SV MMS/SAR 4/20.03.2018/3P/8C