



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 2681 of 2018

P.Ramasubbu

... Petitioner in W.P.(MD)No.2681 of 2018

Vs.

1.The Principle Secretary to
the State Government of Tamil Nadu,
Revenue Department,
Fort St. George,
Chennai- 600 001.

2.The Principal Accountant General,
(Accounts and Entitlements)
361, Annasalai,
Teynampet,
Chennai- 600 018.

3.The District Collector,
Thoothukudi District.

4.The Tahsildar,
Ottapidaram Taluk,
Thoothukudi District.

... Respondents

PRAYER : This Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus thereby directing the respondents herein to take into account half of the service of the petitioner from 18.06.1980 to 31.05.1995 in the light of the G.O.Ms.No.408, Finance (Pension) Department dated 25.08.2009, for the purpose of pension, arrears and all attendant terminal benefits within the time stipulated by this Court.

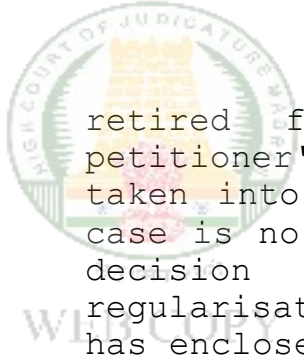
For petitioner : Mr.P.Mahendran

For R-1,3 and 4 : Mr. K. Saravanan
Government Advocate

For R-2 : Mr.P.Gunasekaran

O R D E R

The petitioner was appointed as Village Assistant on 13.06.1980. His services were regularised with effect from 01.06.1995 and he was brought into the time scale of pay also. He



retired from service on 30.04.2014. The question is whether the petitioner's services rendered prior to his regularisation can be taken into account for the purpose of computing his pension. This case is no longer *res integra*. It has been held that in catena of decision that the petitioner's earlier service prior to regularisation should also be taken into account. The petitioner has enclosed such orders in the typed set of papers. One such order dated 16.02.2009 made in W.A.(MD)No.16 of 2009, the case on hand is covered by the aforesaid Hon'ble Division Bench decision. Therefore the respondents are directed to take into account, half of the petitioner's service from 18.06.1980 to 01.06.1995.

2. This writ petition is allowed. No costs.

Sd/-
Assistant Registrar(CSII)

/True Copy/

Sub-Assistant Registrar

To:

1.The Principle Secretary to
the State Government of Tamil Nadu,
Revenue Department,
Fort St. George,
Chennai- 600 001.

2.The District Collector,
Thoothukudi District.

3.The Tahsildar,
Ottapidaram Taluk,
Thoothukudi District.

+1cc to Mr.P.Gunasekaran, Advocate, SR.No.48173
+1cc to Mr.P.Mahendran, Advocate, SR.No.48462
+1cc to The Special Government Pleader, SR.No.48622

pnn/kmi
RL/7C/2P/SV/MMS/SAR1/17/4/2018

ORDER MADE IN
W.P. (MD) No. 2681 of 2018