



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.7009 of 2018

and

W.M.P. (MD) No.6700 of 2018

N.Pitchai

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Secretary to Government,
Animal Husbandry, Dairying and Fisheries Department,
Chennai-9.

2. The Director of Animal Husbandry,
DMS Compound, Chennai-6.

3. The Assistant Director of Animal Husbandry,
O/o. the Assistant Director of Animal Husbandry,
Veterinary Hospital Campus,
Kulanthagaoundanur,
Pasupathipalayam Post,
Karur District.

... Respondents

Prayer: Writ Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to count the temporary service rendered by the petitioner during the period between 03.05.1991 and 10.07.2013 along with the regular service for the purpose of pension and other terminary benefits for all purposes including the retirement benefits and consequentially to direct the respondents to disburse the retirement benefits of the petitioner within the period that may be stipulated by this Court.

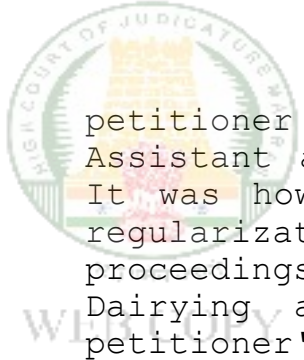
For Petitioner	: Mr.C.Venkatesh Kumar
	For M/s.Ajmal Associates
For Respondents	: Mr.M.Jeyakumar
	Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2.By consent of both the parties, the main Writ Petition itself is taken up for final disposal at the stage of admission.

3.The petitioner was initially appointed on daily wages by order dated 25.04.1991 issued by the third respondent herein. The petitioner joined duty on 03.05.1991. The petitioner was in temporary employment up to 13.03.2007. Vide G.O.(MS).No.19, Animal Husbandry, Dairying and Fisheries Department, dated 21.02.2007, the



petitioner came to be permanently appointed as an Animal Husbandry Assistant and his name was shown at Serial No.50 in the Annexure. It was however stated that it would be subject to the order of regularization. The petitioner was permanently appointed vide proceedings dated 09.03.2011. Vide G.O.(MS).No.173, Animal Husbandry Dairying and Fisheries (AH6) Department dated 10.07.2013, the petitioner's services were also duly regularized and his name was included at serial No.43 in the Annexure. The third respondent has issued a consequential proceedings dated 02.09.2013 regularizing his services with effect from 10.07.2013. The petitioner reached the age of superannuation on 31.05.2014 and he was allowed to retire from service. However his pension amount was paid only under the contributory pension scheme.

4.The petitioner's grievance is that as per G.O.(MS).No.22, P & AR Department, dated 28.02.2006, every Government Servant who are working on daily wages had completed ten years of service as on 01.01.2006, their services ought to have been regularised. Therefore, the petitioner would also contend that as per Rule 11(4) of the Tamil Nadu Pension Rules half of the services rendered by the temporary employee shall be counted for the purpose of retirement benefits. The petitioner therefore submitted a representation dated 16.03.2018 to the first respondent for counting 50% services from 03.05.1991.

5.The learned counsel appearing for the petitioner drew the attention of this Court to the decision rendered by the Hon'ble Division Bench in W.A.No.906 of 2013 on 20.10.2014. Since the petitioner had rushed this Court within one week after lodging his representation, this Court is not in a position to pass any direction straight away in this Petition itself. However, there shall be a direction to the first respondent to consider the petitioner's representation dated 16.03.2018 and pass orders in the light of the decision rendered by the Hon'ble Division Bench in W.A.No.906 of 2013 dated 20.10.2014. It is seen that the Hon'ble Division Bench was also concerned with grievances of the employee of the Animal Husbandry Department. Since the factual matrix obtaining the present case is similar to that of the said Writ Appeal, such direction has been given. The first respondent shall pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order.

6.The Writ Petition is allowed on these terms. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AS)

/True Copy/



To

1. The Secretary to Government,
the State of Tamil Nadu,
Animal Husbandry, Dairying and Fisheries Department,
Chennai-9.
2. The Director of Animal Husbandry,
DMS Compound,
Chennai-6.
3. The Assistant Director of Animal Husbandry,
O/o.the Assistant Director of Animal Husbandry,
Veterinary Hospital Campus,
Kulanthagaoundanur,
Pasupathipalayam Post,
Karur District.

+1CC to M/s.Ajmal Associates, Advocate, SR.No. 59211

+1CC to the Special Government Pleader SR.No. 59467

W.P.(MD)No.7009 of 2018

28.03.2018

TSG

ES/PN/SAR 2/25.07.2018/3P/6C