



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.9573 of 2011

A.Mottayan

... Petitioner

-vs-

1.The Secretary to Government,
Backward Class and Most Backward Class
Communities Department,
Fort St.George,
Chennai-9.

2.The Accountant General,
Office of the Accountant General (A&E) ,
361, Anna Salai,
Chennai-18.

3.The Director,
Most Backward Communities and
Denotified Communities,
Chepauk, Chennai-5.

4.The Joint Director,
Kallar Reclamation,
Collector office Compound,
Madurai-20

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records to the order passed by the second respondent by his proceedings No. Pension:17/3/11702440/RN/09-10/ADK, dated 26.3.2010 and to quash the same and consequently to direct the second respondent to accept the pension proposal sent by the fourth respondent and pay pension to the Petitioner.

For Petitioner	: M/s.M.O.Thevankumar
For Respondents	: Mr.R.Sethuraman
1,3 and 4	Special Government Pleader
For Respondent-2	: Mr.P.Gunasekaran

O R D E R

The relief sought for in this Writ Petition is to call for the records to the order passed by the second respondent by his proceedings No. Pension:17/3/11702440/RN/09-10/ADK, dated 26.3.2010 and to quash the same and consequently to direct the second respondent to accept the pension proposal sent by the fourth respondent and pay pension to the Petitioner.

2.The learned counsel for the Petitioner states that the Writ Petitioner was employed as Part-time Sweeper and retired from

service on attaining the age of superannuation. The service of the Writ Petitioner was regularised w.e.f. 26.11.2002. The Writ Petitioner was allowed to retire from service on 30.4.2006. Thus the Petitioner had not completed the minimum required qualifying service of ten years for the purpose of grant of pension under the Tamil Nadu Pension Rules. The learned counsel for the Writ Petitioner states that his part-time service has to be taken into account for the purpose of reckoning the qualifying service when there is no provision in the Tamil Nadu Pension Rules to count the part-time service by the employees. This being the factum, the Writ Petitioner served as Part-time Sweeper from 26.11.2002 to 30.4.2006 and had not completed the minimum required qualification of ten years of service for grant of pension. This being the factum, there is no infirmity as such in the order impugned herein and that the Petitioner has not made out a case for grant of the relief, as such sought for in this Writ Petition.

3. Accordingly, the Writ Petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
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Fort St. George,
Chennai-9.
2. The Accountant General,
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Most Backward Communities and
Denotified Communities,
Chepauk, Chennai-5.
4. The Joint Director,
Kallar Reclamation,
Collector office Compound,
Madurai-20.

+1cc to Special Government Pleader, SR.No. 47850
+1cc to M/S.M.O.Thevankumar, Advocate SR.No. 47491
+1cc to M/S.P.Gunasekaran, Advocate SR.No. 47609

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