

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2019

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.10104 of 2018
and
WMP.No.12062 of 2018

N.Jayaraman

...Petitioner

vs

1. The Director of Horticulture & Plantation Crops,
Chepauk, Chennai - 600 005.
 2. The Joint Director of Horticulture,
Vijayanagaram, Horticulture House,
P.B.No.74, Udhagamandalam - 643 001.
 3. The Assistant Director,
Department of Horticulture -Inputs,
(State Horticulture Farm, Nanjanadu)
Rose Garden, Udhagamandalam - 643 001.
- ...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ or order or orders or direction particularly in the nature of Writ of Mandamus, directing the respondents to allow the petitioner to continue in service till the completion of 60 years as per FR 56 (Fundamental Rules 56).

For Petitioner : Mr.Mohammed Madassir Ali
for M/s.Lesi Saravanan

For Respondents : Mr.D.Suriya Narayanan
Addl.Govt.Pleader

O R D E R

The relief sought for in the present writ petition is to direct the respondents to allow the writ petitioner to continue in service till the completion of 60 years of age.

2. The grievances of the writ petitioner is that, he was allowed to retire from service at the age of 58 years. As per

the fundamental Rules, the basic servants are entitled to continue in service till the age of 60 years. Though the counter filed in the present writ petition states that, the writ petitioner is not entitled as he was appointed by the Tamil Nadu Horticulture Development Agency.

3. The Government issued G.O.Ms.No.232, Agriculture Department, dated 17.09.2018. As per the G.O., the daily wage employees numbering about 1083 appointed by the Tamil Nadu Horticulture Development Agency, is entitled to continue in service up to the age of 60 years. When the benefit of 60 years of age for retirement is already extended by the Government in G.O.Ms.No.232, Agriculture Department, dated 17.09.2018, the said benefit may be extended to the writ petitioner also, if he is otherwise eligible in accordance with the Government order in force.

4. The writ petition stands disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

Pkn

To

1. The Director of Horticulture & Plantation Crops,
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Rose Garden, Udhagamandalam - 643 001.

+1 cc to M/s.Lesi Saravanan, Advocate, S.R.No.34427
+1 cc to the Government Pleader, S.R.No.34721

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PPA(CO)
SSM(08/05/2019)