



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.3316 of 2013

K.Kupppammal

... Petitioner

vs.

1. The State of Tamil Nadu,
rep. by the Secretary,
Handloom, Handicrafts,
Textiles & Khadi Department,
Fort St. George, Chennai 600 009.
2. The Director,
Department of Sericulture,
Annaimedu, Salem - 636 001.
3. The Assistant Director,
Department of Sericulture,
Vaniyambadi Taluk,
Vellore District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of Certiorarified Mandamus, calling for the records relating to the Government Letter No.5626/G2/2010-4, dated 20.06.2011 issued by the 1st Respondent and quash the same and direct the Respondents to allow the Petitioner to retire from service on attaining the age of 60 years as per FR 56(i).

For Petitioner	:	Mr.Mohammed Mudassir Ali for Ms.Lesi Saravanan
For Respondents	:	Mr.P.Sivashanmugasundaram, Special Government Pleader

O R D E R

Petitioner has come up with this Writ Petition seeking to quash the Government Letter No.5626/G2/2010-4, dated 20.06.2011 issued by the 1st Respondent and for a direction to the Respondents to allow her to retire from service on attaining the age of 60 years as per FR 56(i).



2. According to the Petitioner, she joined the Respondent-Department as Sericulture Worker in the year 1976 on daily wages of Rs.2.10/- per day. The Government issued G.O.Ms.No.25/Handloom, Handicrafts, Textiles & Khadi (G2) Department, dated 23.02.2010, regularizing the services of 520 casual labourers working in Sericulture Department, who have put in 10 years of service as on 01.01.2006 including the Petitioner.

3. It is further stated by the Petitioner that the Government, while regularizing their services, has relaxed Rule 4 of the Tamil Nadu Basic Service Rules, i.e. the Rule relating to recruitment through Employment Exchange. While so, the Respondents orally directed the Petitioner to retire from service on completion of 58 years of age, i.e. on 23.02.2013 by placing reliance on a Government Letter No.5626/G2/2010-4, dated 20.06.2011, wherein, it is stated that "Sericulture workers" do not fall under the Tamil Nadu Basic Service Rules.

4. It is the case of the Petitioner that since she is a last grade servant, she is entitled to continue in employment till the age of 60 years. Citing reference to similarly placed Noon-meal employees, who are allowed to retire from service on attaining the age of 60 years, the Petitioner pleaded that the same benefit ought to be extended to her also.

5. Learned counsel for the Petitioner submitted that as per FR 56(i), the retirement age of persons in superior service alone is 58 years and that of basic servants is 60 years and hence, the Petitioner, as a last grade servant, is entitled to continue in service till the age of 60 years. He further submitted that the issue as to whether Clause IV employees can continue in service upto 60 years is dealt with in the decision rendered by this Court in the case of G.Ebinazer vs. The Managing Director, TANHODA, Chennai, reported in (2013) 4 MLJ 151. For better appreciation, relevant portion of the said decision is extracted hereunder:

"8. ... This Court rejected the said contention in a batch of Writ Petitions in W.P.No.14977 of 2011 and batch cases [K.Gowran v. State of Tamil Nadu], dated 24.01.2013.

... 14. In the present case, as agreed in the counter affidavit, the State Government fixed the pay lower than the scale of pay available to basic service, certainly they will be treated either under the basic service



This Writ Petition is allowed with the above direction. No costs.

WEB COPY

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

(aeb)

To:

1. The Secretary,
State of Tamil Nadu,
Handloom, Handicrafts, Textiles & Khadi Department,
Fort St. George, Chennai 600 009.
2. The Director,
Department of Sericulture,
Annaimedu, Salem - 636 001.
3. The Assistant Director,
Department of Sericulture,
Vaniyambadi Taluk,
Vellore District.

+1cc to Ms.Lesi Saravanan, Advocate, S.R.No.49014

W.P.No.3316 of 2013

KS(CO)
CS/28/08/2019