

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22-04-2019

CORAM

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

W.P.Nos.2889 and 2890 of 2018

T.Kripasankar .. Petitioner in WP 2889/18
P.Narasimhan .. Petitioner in WP 2890/18

vs

University of Madras,
Represented by its Registrar,
Chepauk,
Chennai-5.

.. Respondent in both WPs

Prayer: Writ Petitions are filed under Article 226 of the Constitution of India praying to issue Writs of Mandamus, directing the Respondent to consider and pass orders on the Representation preferred by the petitioner dated 9.6.2017 for granting pension by counting half of past service for the period from 1983 to 1991 in the light of G.O.Ms.No.408 Finance Department, dated 25.8.2009.

For Petitioner in both WPs : Mr.Kandhan Duraismi

For Respondent in both WPs : Mr.Manisundar Gopal

C O M M O N O R D E R

The relief sought for in these writ petitions are for direction to direct the respondent to consider and pass orders on the representations dated 09.06.2017 submitted by the petitioners for granting pension by counting half of past services for the period from 1983 to 1991 in the light of G.O.Ms. No. 408, Finance Department, dated 25.8.2009.

2. The learned counsel for the writ petitioners states that the writ petitioners are working in the respondent-University and their services rendered as daily wages /Casual Labours are not taken into account for the purpose of reckoning the qualifying services.

3. This Court is of an opinion that counting of 50% of

the services rendered by the writ petitioners are taken into account strictly based on the Service Rules in force as far as the respondent-University is concerned.

4. Undoubtedly, the Government issued amendment to Rule 11 of the Tamil Nadu Pension Rules and it is to be verified whether the respondent-University had adopted the Rules for the purpose of extending the same benefit to the employees of the respondent-University.

5. However, the respondent-University is bound to consider the Rules in force with reference to the claim made by the writ petitioners for counting of their past services in order to calculate the qualifying services.

6. Thus, without going into the merits of the matter, the respondent-University is directed to consider the representations submitted by the writ petitioners on 9.6.2017.

7. With the above directions, both the writ petitions stand disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (AD- IV)

//True Copy//

Sub Assistant Registrar

Svn

+2cc to Mr.Muthumani Doraisami, Advocate, S.R.No. 38109

+2cc to Mr.Mani Sundargopal, Advocate, S.R.No.39498, 39499

सत्यमेव जयते

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GN(20/05/2019)

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