

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.16794 of 2017 and
W.M.P.Nos.18240 & 18241 of 2017

C.Ramasmy

... Petitioner

vs.

1. The Managing Director,
TANHONDA
Chepauk,
Chennai - 600 005.
2. The Joint Director,
Horticulture,
Krishnagiri District.
3. The Deputy Director of Horticulture,
Krishnagiri,
Krishnagiri District.
4. The Assistant Horticulture Officer,
Government Horticulture Farm,
Thimmapuram,
Krishnagiri District.

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the petition reference M.P.M.No.887 dated 26.11.2009 the date of retirement farm employees as 58 years and consequently direct the respondent to permit the petitioner to continue in service till the petitioner attain the age of 60 years in accordance with law.

For Petitioner : Mr.M.Gouthaman

For Respondents : Mr.I.Sathish
Additional Government Pleader

O R D E R

The petitioner is aggrieved against the proceedings dated 26.11.2009, insofar as the same fixing the age of retirement as

58 years. Consequently the petitioner seeks for a direction to the respondent to permit him to continue in service till he attain the age of 60 years.

2. The petitioner entered into the service in Horticulture Department as NMR worker in the year 1988 and was discharging his duty all along. According to the petitioner, though the retirement age from service is fixed as 58 years, the similarly situated persons got the benefit of extension of the service upto 60 years in pursuant to an order passed by this Court in W.P.No.18920 of 2012 dated 22.02.2013. The Copy of the said order is also placed before this Court.

3. A Perusal of the said order would go to show that this Court has set aside the fixing the age of superannuation as 58 years and further directed that persons who are covered by G.O.Ms.No.494 Agriculture Department, dated 29.11.2007, are entitled to continue in service till the age of 60 years.

4. The learned counsel for the petitioner further submitted that recently the Government has passed G.O.No.232 Agriculture Department dated 17.09.2018 increasing the retirement age from 58 years to 60 years in respect of the persons working as farm employees in the Agriculture Department.

5. The learned Additional Government Pleader submitted that in view of the said Government Order passed, the request of the petitioner would be considered and appropriate orders would be passed.

6. Considering the above stated facts and circumstances and the order passed by this Court in W.P.No.18920 of 2012 dated 22.03.2013 as well as the order passed by the Government in G.O.No.232 Agriculture Department dated 17.09.2018, this Court is of the view that the first respondent has to consider the claim of the petitioner and pass appropriate orders by taking note of the above said order passed by this Court in W.P.No.18920 of 2012 dated 22.03.2013 as well as the Government Order in G.O.No.232 Agriculture Department dated 17.09.2018, provided the petitioner's case is also squarely falls within the ambit and scope of the order already passed in W.P.No.18920 of 2012 dated 22.03.2013 and G.O.No.232 dated 17.09.2018. Such order shall be passed by the first respondent within a period of four weeks from the date of receipt of a copy of this order.

7. Accordingly, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sni/arr

To

1. The Managing Director,
TANHONDA
Chepauk,
Chennai - 600 005.
2. The Joint Director,
Horticulture,
Krishnagiri District.
3. The Deputy Director of Horticulture,
Krishnagiri,
Krishnagiri District.
4. The Assistant Horticulture Officer,
Government Horticulture Farm,
Thimmapuram,
Krishnagiri District.

+1 cc to Mr.M.Gouthaman, Advocate Sr.No.1298
+1 cc to The Government Pleader, Sr.No.2340

CSL/22.01.2019

W.P.No.16794 of 2017

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