



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE. R.MAHADEVAN

W.P.(MD)No.7082 of 2019

and

WMP(MD)No.5671 of 2019

C.Mathavan Pillai

.. Petitioner

Vs.

1.The State of Tamil Nadu,
rep.by its Secretary,
Department of Higher Education,
Fort St. George,
Chennai - 600 009.

2.The State of Tamil Nadu,
rep.by its Secretary,
Department of Finance (Pension),
Fort St. George,
Chennai - 600 009.

3.The Director of Collegiate Education,
College Road,
Chennai - 600 006.

4.The Joint Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli - 627 002.

5.The Secretary,
S.T.Hindu College,
Nagercoil - 629 002,
Kanyakumari District.

.. Respondents

PRAYER : Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Mandamus directing the respondents to reckon the half of service period of the petitioner in the 5th respondent college under Contingent Staff i.e. from 15/07/1974 to 31/12/1979 as qualifying service period for pension and other retirement benefits and re-fix the pension and other retirement benefits to the petitioner and disburse the arrears to the petitioner as per G.O.Ms.No.437 (finance (pension) department) dated 23/06/1988.

For Petitioner : Mr.S.Xavier Rajini

For R1 to R4 : Mrs.J.Padmavathy Devi
Special Government Pleader

**ORDER**

Seeking a direction to the respondents to reckon half of service period of the petitioner in the 5th respondent college as qualifying service period for pension and other retirement benefits and refix and disburse the same as per G.O.Ms.No.437 (finance (pension) department) dated 23.06.1988.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents 1 to 4. In view of the order which is going to be passed hereunder, notice to the fifth respondent is not required.

3. The case of the petitioner is that he was appointed as a Gardener in the 5th respondent college on 15.07.1974 as a contingent staff and he was placed under regular scale of pay with effect from 01.01.1980 and he retired on 31.05.2009. The grievance of the petitioner is that as per G.O.Ms.No.437 (finance (pension) department) dated 23.06.1988, the respondents are bound to reckon half of the service period for pension and other retirement benefits. Seeking such benefits, the petitioner made representations dated 05.06.2010, 10.10.2011, 05.04.2012, 11.02.2013, 17.03.2014, 08.08.2015, 09.01.2016, 20.09.2017 and finally on 04.12.2018. Since the same have not been considered till date, the petitioner is before this Court.

4. The learned Special Government Pleader appearing for the respondents 1 to 4, on instructions, submitted that the representation of the petitioner would be considered on merits.

5. In such view of the matter, this Court, without going into the merits of the case, directs the respondents to consider the representation of the petitioner dated 04.12.2018 in line with G.O.Ms.No.437 (finance (pension) department) dated 23.06.1988 and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner.

6. The writ petition is disposed of with the above direction. No costs. Consequently, WMP(MD)No.5671 of 2019 is closed.

Sd/-

Assistant Registrar (P AND A)

// True Copy //

Sub Assistant Registrar(CS)



To

1.The Secretary,
State of Tamil Nadu,
Department of Higher Education,
Fort St. George,
Chennai - 600 009.

2.The Secretary,
State of Tamil Nadu,
Department of Finance (Pension),
Fort St. George,
Chennai - 600 009.

3.The Director of Collegiate Education,
College Road,
Chennai - 600 006.

4.The Joint Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli - 627 002.

+1cc to Mr.S.XAVIER RAJINI, Advocate, SR.No.57041
+1cc to M/s.Special Government Pleader,SR.No. 57149

W.P.[MD].No.7082 of 2019

MJ
KK/SAR/06.05.2019/ 3P- 7C