



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.06.2019

CORAM:

THE HONOURABLE **MR. JUSTICE S.M.SUBRAMANIAM**

W.P. (MD) No. 2844 of 2015

and

M.P. (MD) .No.1 of 2015

R.Ganesan

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep by its Secretary,
Finance Department,
Fort St.George,
Chennai-600 009.

2.The Director,
Treasuries and Accounts Department,
Panagal Building Saidapet,
Chennai-600 015.

3.The Regional Joint Director,
Treasuries and Accounts Department,
Madurai.

4.The Pay and Accounts Officer,
O/o.The Pay and Accounts Officer,
Madurai.

5.The District Treasury Officer,
District Treasury, Madurai.

6.The Accountant General of Tamil Nadu,
O/o.The Accountant General,
Teynampet,
Chennai-600 018.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the 6th respondent in his impugned order in No.AG(A&E) PEN/PO3/10313723/1/RO313723 dated 31.12.2014 and quash the same as illegal and consequently direct the respondent Nos.1 to 5 to count half of the service rendered by the petitioner from the date of joining in service as Technical Teacher that is on 28.10.1978 to on 26.03.1986 along with regularization service rendered by the petitioner as Junior Assistant from 27.03.1986 to 31.08.2014 as qualifying service and send the revised proposal to the 6th



respondent and to direct the 6th respondent to grant pension with all consequential benefits and arrears with interest.

For Petitioner : Mr.k.Baskaran
For R1 to R5 : Mr.D.Muruganantham
Additional Government Pleader
For R6 : Mr.P.Gunasekaran

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ORDER

The writ petitioner was appointed as part-time Teacher in accountancy and auditing for vocational group in Government Higher Secondary School, Samayanallur, Madurai District. The petitioner was subsequently, selected for appointment to the post of Junior Assistant in the Department of Treasuries and Accounts through Tamil Nadu Public Service Commission. Thus, the petitioner tendered his resignation and the same was accepted and he was relieved from service on 26.03.1986. The petitioner joined as Junior Assistant in the Department of Treasuries and Accounts on 27.03.1986.

2.The grievance of the writ petitioner is that the part time services rendered by him as a Teacher was not taken into account for the purpose of calculating the qualifying services for grant of pension. It is contended that as per the Rule 11(4) of the Tamil Nadu Pension Rules, 50% of the services are to be reckoned for the purpose of calculating the qualifying service for grant of pension in accordance with the provision of the Tamil Nadu Pension Rules.

3.The learned counsel appearing on behalf of the sixth respondent made a submission that the writ petitioner is not eligible for reckoning the part time service as he was appointed as part time Teacher and further, he resigned the post and joined as a fresh appointee in the Department of Treasuries and Accounts. Thus, the case of the petitioner is not falling within the conditions prescribed in Rule 11(4) of the Tamil Nadu Pension Rules 1978.

4.This Court is of the considered opinion that the counting of 50% of the services are to be considered, if the employee is an eligible with reference to the conditions stipulated in the rules itself. Admittedly, the writ petitioner was appointed as a part time Teacher and he resigned his job during the year 1986 and joined as a fresh employee in the Department of Treasuries and Accounts as Junior Assistant. The part time employment cannot be considered as a full time job for the purpose of reckoning the services as qualifying service. This being the conditions stipulated in 11(4) of the Tamil Nadu Pension Rules, the very counting of the period of the part time service does not arise at all.



5. Accordingly, the writ petition is devoid on merits and stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (WRITS)

// True Copy //

Sub Assistant Registrar (CS)

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To

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Rep by its Secretary,
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2. The Director,
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Madurai.
4. The Pay and Accounts Officer,
O/o. The Pay and Accounts Officer,
Madurai.
5. The District Treasury Officer,
District Treasury, Madurai.

+1CC TO M/S.P.GUNASEKARAN, ADVOCATE, SR.NO.68837
+1CC TO M/S. SPECIAL GOVERNMENT PLEADER SR.NO.68877

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BUC (05.07.2019) 3P 8C