



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR

WP (MD).No.356 of 2016 and
WMP (MD).No.12662 of 2017

D. Avudaiammal

: Petitioner

Vs.

1. The State of Tamil Nadu,
rep. by its Principal Secretary,
Finance (Pension Department),
Secretariat, Chennai - 600 009.

2.The Research Director,
Tamil Nadu Agricultural University,
Coimbatore.

3.The Registrar,
Tamil Nadu Agricultural University,
Coimbatore.

4.The Professor and Head Agricultural Research Station,
Kovilpatti . : Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India for issuing a Writ of Certiorari calling for the records relating to the impugned order passed by the 3rd respondent in letter No.U.Sa.Aa./WP No.9085 /14, dated 11.08.2014 and quash the same and direct the respondents to sanction monthly pension to the petitioner with effect from 30.06.2001.

For Petitioner : Mr. S. Pon Senthil Kumaran
For R1 : Mr. Aayiram K. Selvakumar
Additional Government Pleader
For R2 to R4 : Mr. A. Thirumurthy

ORDER

This Writ Petition has been filed seeking to call for the records relating to the impugned order passed by the 3rd respondent in Letter No.U.Sa.Aa./WP No.9085 /14, dated 11.08.2014 and quash the same and consequently, direct the respondents to sanction monthly pension to the petitioner with effect from 30.06.2001.



2. According to the petitioner, 3rd respondent / the Registrar of Tamil Nadu Agricultural University, Coimbatore, has passed the impugned order stating that G.O.Ms.No.408, Finance (Pension) Department, dated 25.08.2009 is not applicable to the employees of the respondents University. Challenging the aforesaid order, the Petitioner has filed the present Writ Petition before this Court.

3. The learned Standing Counsel appearing for the respondents 2 to 4 brought to the notice of this Court order, dated 26.08.2014, made in WP(MD).No.10722 of 2011 dated 26.08.2014, wherein, at paragraph Nos. 4 to 6, it has been held as follows:

'4.It is submitted by the learned counsel for the petitioner that the Registrar of the respondent University by his proceedings in No.R2/BM-CA-141/2010, dated 30.08.2010 has stated that G.O.Ms.No.408 Finance (Pension) Department, dated 25.08.2009 is not applicable to the employees of the respondent University, but, at the same time, seeking financial assistance from the Government to pay pension to those employees, who are deprived of pension, because, half of the service rendered on temporary basis, has not been taken into account, should be submitted to the Government for financial assistance. Referring to the same, the learned counsel for the respondents submitted that in the event the Government decides to extent the benefit of G.O.Ms.No.408 Finance (Pension) Department, dated 25.08.2009 to the employees of the respondent University, the same may be given to the petitioner as well.

5.The learned counsel for the petitioner submitted that the said proposal is only in respect of temporary employees and not for Mazdoor. In my considered opinion, this issue need not be gone into this Writ petition. There is no controversy before this Court that G.O.Ms.No.408 Finance (Pension) Department, dated 25.08.2009 is not applicable to the employees of the Tamil Nadu Agricultural University. In such view of the matter, the relief sought for by the petitioner cannot be granted. However, the University may take steps to submit a proposal to the Government to give the benefit of G.O.Ms.No.408 Finance (Pension) Department, dated 25.08.2009 to the Mazdoors. However, it is for the University to consider the same. In this Writ petition, I only say that as of now the Writ petition deserves to be dismissed as G.O.Ms.No.408 Finance (Pension) Department, dated 25.08.2009 is not applicable to the employees of the respondent University.



6. For the above, these Writ petitions are dismissed. No costs."

4. According to the learned Standing Counsel appearing for the respondents 2 to 4, the respondents - University submitted a proposal and the same is pending before the Government.

5. I have heard the learned counsel appearing on either side and perused the materials available on record.

6. By accepting the submission made by the learned Standing Counsel appearing for the respondents 2 to 4 / University as well as the order passed by this Court in WP(MD).No.10722 of 2012, this Writ Petition is dismissed. It is open to the petitioner to work out his remedy before the Government, if she so advised. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar(CS)

trp
To

1. Principal Secretary,
Finance (Pension Department),
Secretariat, Chennai - 600 009.

2. The Research Director,
Tamil Nadu Agricultural University,
Coimbatore.

3. The Registrar,
Tamil Nadu Agricultural University,
Coimbatore.

4. The Professor and Head Agricultural Research Station,
Kovilpatti.

+1CC TO MR.S.PON SENTHIL KUMARAN, Advocate Sr. No.67722
+1CC TO MR.A.THIRUMURTHY, Advocate Sr. No.67712
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 67906

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SRK(CO)