

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.31274 of 2013

1 N.DHAKSHINAMURTHI
S/O.NARAYANASAMY,
KULAKARAI STREET, SLUSEMPON,
KANCHANOOR POST, VILLUPURAM DIST. ... PETITIONER

Vs.

1 THE STATE OF TAMIL NADU
REP. BY THE SECRETARY TO GOVERNMENT,
SCHOOL EDUCATION DEPARTMENT,
FORT ST. GEORGE, CHENNAI-9.
2 THE DIRECTOR OF PUBLIC LIBRARIES,
ANNA SALAI CHENNAI.
3 THE DISTRICT LIBRARY OFFICER,
COLLECTORATE COMPOUND VILLUPURAM. ... RESPONDENTS

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, to direct the respondents to count the services of petitioner from the date of his initial appointment with effect from 1.2.1995 as qualifying service under Rule 11 of the Tamil Nadu Pension Rules 1978 and to issue GPF Account Numbers to the petitioner under the old pension scheme for his pensionary benefits.

For Petitioner : Mr.R.Prem Narayan

For Respondent No.1 : Mr.S.Suresh Kumar, G.A.

For Respondents 2 & 3: Mr.J.Ramesh, A.G.P.

O R D E R

The petitioner herein was initially appointed as Part Time Librarian on 1.2.1995 on a consolidated pay and thereafter, in the regular post of Village Librarian with effect from 2005 and he was promoted to the post of Grade III Librarian on 10.12.2006 and his services were regularized with effect from 10.12.2006. The petitioner seeks to count the services of petitioner from the date of his initial appointment with effect from 1.2.1995 as qualifying service for the purpose of pensionary benefits. As the request of the petitioner herein was not considered by the respondents, the petitioner has approached this Court in the present writ petition.

2. The learned Additional Govt. Pleader appearing for the respondents submitted that the issue pertains to the 50% of the past service rendered by the petitioner, prior to regularisation was referred to the Hon'ble Full Bench of this Court and as per the judgment of the Hon'ble Full Bench delivered in a batch of writ appeals in W.A.No.158 of 2016 etc., dated 3.12.2019, the writ petitioner is not eligible for the relief sought for in the writ petition. The relevant portion of the judgment of the Hon'ble Full Bench reads as follows:

"46 (v) Those government servants who were appointed in the aforesaid four categories before 01.04.2003 but were absorbed in regular service after 01.04.2003 will not be entitled to count half of their past service for the purpose of determination of qualifying service for pension."

3. Considering the facts and circumstances of the case and in the light of the judgment rendered by the Hon'ble Full Bench cited supra, the writ petitioner is not entitled for the relief sought for in the writ petition.

4. Accordingly, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vaan

To

1.THE SECRETARY TO GOVERNMENT,
STATE OF TAMIL NADU,
SCHOOL EDUCATION DEPARTMENT,
FORT ST. GEORGE, CHENNAI-9.

2.THE DIRECTOR OF PUBLIC LIBRARIES,
ANNA SALAI CHENNAI.

3.THE DISTRICT LIBRARY OFFICER,
COLLECTORATE COMPOUND, VILLUPURAM.

+1cc to Mr.R.Prem Narayan, Advocate SR.12038
+1cc to the Government Pleader SR.12397

W.P.No.31274 of 2013

SVI (CO)
CB(16/03/2020)



WEB COPY