

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2020

CORAM :

THE HON'BLE MR.A.P.SAHI, THE CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.A.NOS.2164, 2589, 2703 OF 2018

AND

323, 331, 3326, 3336, 3337, 3338, 3339, 3340 & 3341 OF 2019

AND CMP NOS.16784, 16785, 21059, 22102 OF 2018

AND

3074, 3140, 21343, 3072, 21396, 21397

AND

21406, 21407, 21409, 21422 OF 2019

1. THE STATE OF TAMIL NADU,
REP BY THE SECRETARY TO GOVERNMENT,
SCHOOL EDUCATION DEPARTMENT,
FORT ST. GEORGE, CHENNAI - 600 009
2. THE DIRECTOR OF PUBLIC LIBRARIES,
ANNA SALAI, CHENNAI
3. THE DISTRICT LIBRARY OFFICER,
COLLECTORATE COMPOUND,
VILLUPURAM

... Appellants/Respondents in WA.No.2164 of 2018

- 1 THE STATE OF TAMIL NADU,
REP.BY THE PRINCIPLE SECRETARY TO GOVERNMENT,
SCHOOL EDUCATION DEPARTMENT,
FORT ST.GEORGE, CHENNAI-600009.
- 2 THE DIRECTOR OF PUBLIC LIBRARIES,
737, ANNA SALAI, CHENNAI-600002.
- 3 THE DISTRICT LIBRARY OFFICER
OFFICE OF THE DISTRICT CENTRAL LIBRARY
CHENGAM SALAI, THIRUVANNAMALAI DIST.

... Appellants/Respondents in WA.No.2589 of 2018

- 1 THE STATE OF TAMILNADU,
REP BY THE PRINCIPAL SECRETARY TO GOVERNMENT,
SCHOOL EDUCATION DEPARTMENT,
FORT ST GEORGE, CHENNAI-009.
- 2 THE DIRECTOR OF PUBLIC LIBRARIES,
ANNA SALAI, CHENNAI-600 002.
- 3 THE DISTRICT LIBRARY OFFICER,
O/o THE DISTRICT LIBRARY OFFICE,
GOVERNMENT HOSPITAL ROAD, OOTY-643 001.

... Appellants/Respondents in WA.No.2703 of 2018

- 1 THE STATE OF TAMIL NADU
REP BY THE PRINCIPAL SECRETARY TO GOVERNMENT
SCHOOL EDUCATION DEPARTMENT, FORT ST.GEORGE,
CHENNAI 600 009.
- 2 THE DIRECTOR OF PUBLIC LIBRARIES,
ANNA SALAI, CHENNAI
- 3 THE DISTRICT LIBRARY OFFICER
NO.12A, WICKLIMEAR STREET, SORKALPATTU,
CUDDALORE-1

... Appellants/Respondents in WA No.323 of 2019

- 1 THE GOVERNMENT OF TAMIL NADU
REP BY THE PRINCIPAL SECRETARY TO GOVERNMENT
SCHOOL EDUCATION DEPARTMENT, FORT ST.GEORGE,
CHENNAI 600 009.
- 2 THE DIRECTOR OF PUBLIC LIBRARIES,
DIRECTORATE OF PUBLIC LIBRARIES,
NO.731, ANNA SALAI, CHENNAI-600 002.
- 3 THE DISTRICT LIBRARY OFFICER,
O/O.THE DISTRICT LIBRARY OFFICE,
NO.5, WEAVERS COLONY, DHARMAPURI-1

... Appellants/Respondents in WA No.331 of 2019

- 1 THE STATE OF TAMIL NADU,
REP BY THE PRINCIPAL SECRETARY TO GOVERNMENT,
SCHOOL EDUCATION DEPARTMENT,
FORT ST GEORGE, CH-09.

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

3 THE DISTRICT LIBRARY OFFICER,
TIRUNELVELI.

... Appellants/Respondents in WA.No.3326, 3336,
3337, 3338, 3339, 3340 and 3341 of 2019

-vs-

M.Babu .. Respondent/Petitioner in WA.No.2164 of 2018
K.Chandrasekaran .. Respondent/Petitioner in WA.No.2589 of 2018
L.Ramesh Kumar .. Respondent/Petitioner in WA.No.2703 of 2018
R.Balu .. Respondent/Petitioner in WA.No.323 of 2019
M.Kaliappan .. Respondent/Petitioner in WA.No.331 of 2019
M.Arunkumar .. Respondent/Petitioner in WA.No.3326 of 2019
M.Parameshwari .. Respondent/Petitioner in WA.No.3336 of 2019
M.Ahila Muthukumar .. Respondent/Petitioner in WA.No.3337 of 2019
M.Murugakala .. Respondent/Petitioner in WA.No.3338 of 2019
R.Mary Jero .. Respondent/Petitioner in WA.No.3339 of 2019
T.Kannu Pillai .. Respondent/Petitioner in WA.No.3340 of 2019
K.Kayalvizhi .. Respondent/Petitioner in WA.No.3341 of 2019

Prayer:-

WA.No.2164 of 2018:-

Writ Appeal filed under Clause 15 of the Letters Patent to
set aside the order dated 21.11.2017 made in WP.No.28036 of 2013.

WA.No.2589 of 2018:-

To set aside the order dated 05.04.2018 made in WP.No.7718
of 2018 and allow this WA.

WA.No.2703 of 2018:-

To set aside the order dated 10.04.2018 made in W.P.No.8432
of 2018 and allow this W.A

WA No.323 of 2019:-

To set aside the order dated 28.04.2018 made in WP.No.11192 of 2018.

WA No.3326, 3336 to 3341 of 2019:-

To set aside the order dated 06.06.2018 made in WP.Nos.33088, 33092, 33090, 33089, 33093, 33094 & 33091 of 2017 and allow this Writ Appeal.

Prayer in WP.No.28036 of 2013:-

Writ Petition filed under Article 226 of the constitution of India, praying to writ of mandamus to direct the respondents to count the services of petitioner from the date of his initial Appointment with effect from 24.07.1995 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

Prayer in WP.No.7718 of 2018:-

To direct the respondents to allot GPF Account Number for grant of pension to the petitioner under the Tamil Nadu Pension Rules 1978 (old pension scheme) by counting 50% of the services rendered by the petitioner in the post of Part Time Librarian and Village Librarian from 01.03.1991 to 12.12.2006 along with his regular service in the post of Grade III Librarian from 13.12.2006

Prayer in WP.No.8432 of 2018:-

To call for the records in pursuant to the impugned Para 3 of the order of the 3rd respondent in proceedings Na.Ka.No. 2551/A1/2011 dated 24.12.2011 and quash the same and consequently direct the respondents to allot GPF Account Number for grant of pension to the petitioner under the Tamilnadu Pension Rules 1978 (Old Pension Scheme) by counting 50% of the services rendered by the petitioner in the post of part time Librarian, Double Part Time Librarian, Village Librarian from 28.02.1994 to 25.12.2011 along with his regular service in the post of Grade III Librarian from 26.12.2011

Prayer in WP.No.11192 of 2018:-

To direct the respondents to allot GPF Account Number for grant of pension to the petitioner under the Tamil Nadu Pension Rules 1978(old pension scheme)by counting 50% of the services rendered by the petitioner in the post of part time Librarian, and Village Librarian from 05.09.1996 to 09.12.2006 along with his regular service in the post of Grade III Librarian from 10.12.2006 and to pass any other further order as the Honble Court.

Prayer in WP.No.24567 of 2017:-

To call for the records in pursuant to the impugned para 3 of the proceedings of the 3rd respondent in proceedings Na.Ka.No.2120/A/2006-16 dated 26.10.2006 and quash the same and consequently to direct the respondents to allot GPF Account Number for grant of pension to the petitioner under the Tamil Nadu pension Rules 1978 (old pension scheme) by counting 50% of the services rendered by the petitioner prior to his date of regularisation on 26.10.2006 in the post of Grade III Librarian

Prayer in WP No.33088 of 2017:-

To direct the 1 & 2 respondents to allot GPF Account Number for grant of pension to the petitioner under the Tamil Nadu Pension Rules 1978 (old Pension scheme) by counting 50% of the services rendered by the petitioner in the post of Village Librarian from 26.07.1997 to 25.10.2006 along with his regular service in the post of Grade III Librarian from 26.10.2006.

Prayer in WP No.33092 of 2017:-

To direct the 1 & 2 respondents to allot GPF Account Number for grant of pension to the petitioner under the Tamil Nadu Pension Rules 1978 (old Pension scheme) by counting 50% of the services rendered by the petitioner in the post of Village Librarian from 18.05.1998 to 25.10.2006 along with his regular service in the post of Grade III Librarian from 26.10.2006

Prayer in WP No.33090 of 2017:-

To direct the 1 & 2 respondents to allot GPF Account Number for grant of pension to the petitioner under the Tamil Nadu Pension Rules 1978 (old Pension scheme) by counting 50% of the services rendered by the petitioner in the post of Village

Librarian from 24.07.1997 to 25.10.2006 along with his regular service in the post of Grade III Librarian from 26.10.2006

Prayer in WP No.33089 of 2017:-

To direct the 1 & 2 respondents to allot GPF Account Number for grant of pension to the petitioner under the Tamil Nadu Pension Rules 1978 (old Pension scheme) by counting 50% of the services rendered by the petitioner in the post of Village Librarian from 22.06.1999 to 26.10.2006 along with his regular service in the post of Grade III Librarian from 27.10.2006

Prayer in WP No.33093 of 2017:-

To direct the 1 & 2 respondents to allot GPF Account Number for grant of pension to the petitioner under the Tamil Nadu Pension Rules 1978 (old Pension scheme) by counting 50% of the services rendered by the petitioner in the post of Village Librarian from 08.04.1998 to 25.10.2006 along with his regular service in the post of Grade III Librarian from 26.10.2006

Prayer in WP No.33094 of 2017:-

To direct the 1 & 2 respondents to allot GPF Account Number for grant of pension to the petitioner under the Tamil Nadu Pension Rules 1978 (old Pension scheme) by counting 50% of the services rendered by the petitioner in the post of Village Librarian from 24.09.1997 to 27.10.2006 along with his regular service in the post of Grade III Librarian from 28.10.2006

Prayer in WP No.33091 of 2017:-

To direct the 1 & 2 respondents to allot GPF Account Number for grant of pension to the petitioner under the Tamil Nadu Pension Rules 1978 (old Pension scheme) by counting 50% of the services rendered by the petitioner in the post of Village Librarian from 30.07.2001 to 27.10.2006 along with his regular service in the post of Grade III Librarian from 28.10.2006.

For Appellants
in all WAS

: Mr.C.Munusamy
Special Government Pleader

For respondent in
W.A.No.323 of 2019

: Mr.Prem Narayanan

COMMON JUDGMENT

(Delivered by The Hon'ble Chief Justice)

These batch of writ appeals are listed as they are stated to be covered by the judgment of the Full Bench in Government of Tamil Nadu and Others vs R.Kaliyamoorthy, reported in 2019 (6) CTC 705, which has later on been followed by us in W.A.No.330 of 2020 decided on 03.03.2020. The order passed in W.A.No.330 of 2002 is extracted hereinunder:-

"The instant writ appeal is directed against the order dated 12.02.2018 passed in W.P.No.2209 of 2018.

2.When the petition for condonation of delay came up for consideration, notice had been issued to the respondent on the ground as to why the appeal should not be allowed in the light of the judgment Government of Tamil Nadu and Others vs. R.Kaliyamoorthy, reported in 2019 (6) CTC 705. On 18.02.2020, the learned counsel for the State was directed to inform the learned counsel who was appearing for the respondent before the Writ court in writing about the pendency of this appeal.

3.Today, the learned Special Government Pleader and the learned counsel for the respondent are before us. They both agree that the matter is fully covered by the judgment of the Full Bench in Government of Tamil Nadu and Others vs. R.Kaliyamoorthy, reported in 2019 (6) CTC 705.

In view of the above submission, the Writ Appeal is disposed of in terms of paragraph 46 of the aforesaid judgment of the Full Bench. No costs. Consequently, C.M.P.No.5565 of 2020 is closed."

2. Mr.Prem Narayanan, learned counsel is present for the respondent in W.A.No.323 of 2019 and he does not dispute the aforesaid legal position.

3. In view of the matter having been settled by the Full Bench as referred to above, these writ appeals also stand disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sr
To

1. The Principal Secretary to Government,
State of Tamil Nadu, School Education Department,
Fort St.George, Chennai-600 009.
2. The Director of Public Libraries,
No.737, Anna Salai, Chennai-600 002.
3. The District Library Officer,
Collectorate Compound, Villupuram.
4. The District Library Officer,
O/o.The District Central Library,
Chengam Salai, Tiruvannamalai District.
5. The District Library Officer,
District Library Office, Government Hospital Road,
Ooty-643 001.
6. The District Library Officer,
No.12A, Wicklimear Street, Sorkalpattu, Cuddalore-1.
7. The District Library Officer,
O/o.The District Library Office,
No.5, Weavers Colony, Dharmapuri-1.
8. The District Library Officer, Tirunelveli.

+2cc to Government Pleader, in sr.no.34381 & 34382

W.A.Nos.2164, 2589, 2703 of 2018 and
323, 331, 3326, 3336, 3337,
3338, 3339, 3340 & 3341 of 2019

NRJK(CO)
CS/30/11/2020