

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.10568 of 2014

1 P. ANBALAGAN
S/O.K.M.PERUMAL,
NO.36/1 POLICE COLONY,
PAPARAPATTI P.O.,
PENNAGARAM, DHARMAPURI 636 809 PETITIONER

Vs.

1 THE STATE OF TAMILNADU
REP BY THE SECRETARY TO GOVT.,
SCHOOL EDUCATION DEPARTMENT,
FORT ST.GEORGE, CHENNAI 9

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

3 THE DISTRICT LIBRARY OFFICER,
DHARMAPURI DISTRICT, DHARMAPURI. ... 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 31.05.1998 as qualifying service under Rule 11 of the Tamilnadu 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 served as Village Librarian from 31.5.1998 to 27.10.2006 on a consolidated pay and thereafter, he was promoted to the post of Grade III Librarian on 28.10.2006 and his services were regularized with effect from 28.10.2006. The petitioner seeks to count the services of petitioner from the date of his initial appointment with effect from 31.05.1998 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 counting of the past services 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

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To

- 1 THE SECRETARY TO GOVT.,
STATE OF TAMILNADU, SCHOOL EDUCATION DEPARTMENT,
FORT ST.GEORGE, CHENNAI 9
- 2 THE DIRECTOR OF PUBLIC LIBRARIES, ANNA SALAI, CHENNAI.
- 3 THE DISTRICT LIBRARY OFFICER, DHARMAPURI DISTRICT,
DHARMAPURI.

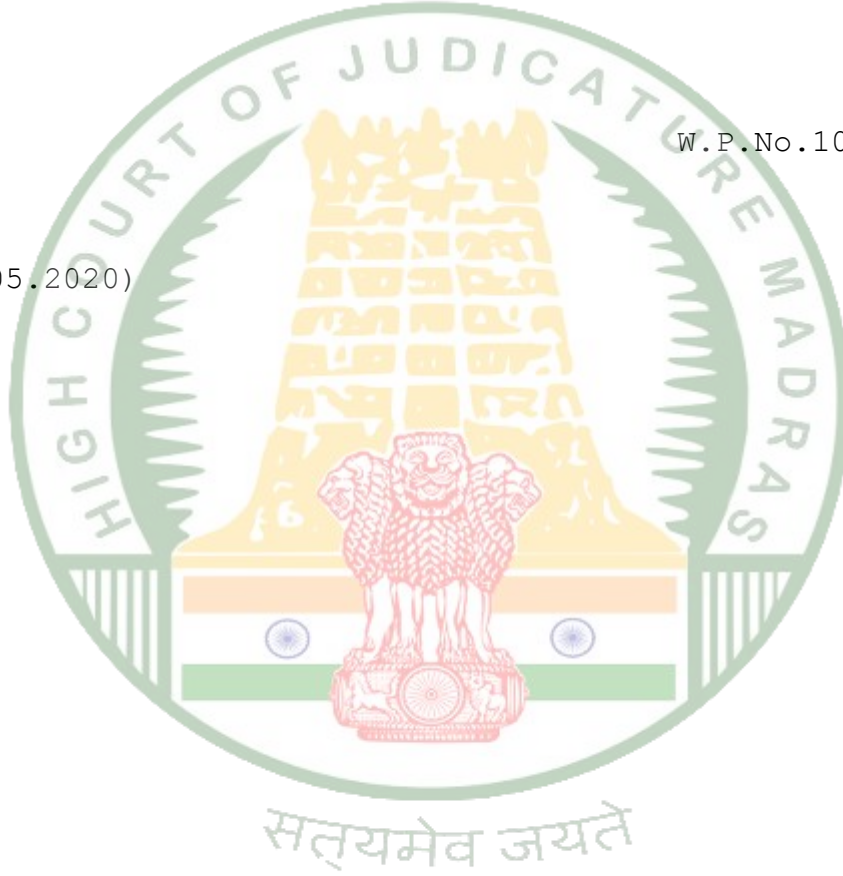
+1cc to the Government Pleader, High Court, S.R.No.12398.

+1cc to Mr.R.Prem Narayan, Advocate, S.R.No.12039.

W.P.No.10568 of 2014

VG-II (CO)

VSI-2 (29.05.2020)



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