

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.20668 of 2014

- 1 R.Sankar Babu
No.30 Ramalinga Nagar 3rd Street,
Vasantha Nagar, Madurai 625 003
- 2 S. Rajamani
No.38 6th Main Road Ajis Nagar,
Aruppukkottai, Viruthunagar District
- 3 N. Sundar Rajan
No.193 Big Bazaar Street,
Thiruppathur (P.O) Vellore District.
- 4 G.Devendhiran
Annasagaram, Paniyandapalli (PO)
Thiruppathur (T.K) Vellore District.
- 5 V.Renuga
No.19 Mariamman Koil Street,
Vadamadurai (PO) Dindigul District.
- 6 V.Gunasekaran
No.8 1st Cross Street CMC Garden,
Kanakamma Chatram (PO) Thiruttani (T.K)
Thiruvallur District.
- 7 S.P.N.Meenakshi
TNHB Quarters, Pon Pudupatti,
Ponnamaravathi (P.O), Pudukottai District.
- 8 D.S.Manickam
No.2/1741 Om Sakthi Nagar,
Collectorate (PO), Ramanathapuram District.
- 9 M.Sahul Hameed
No.8/21 Bharathi Nagar,
Kalveerampalayam (P.O), Coimbatore District.

10 S.Vijaya Samundeeswari
No.138 R.C.S.Street, Naatrampalli (PO),
Vellore District. ... Petitioners

Vs.

- 1 The State of Tamilnadu
Rep by its Principal Secretary to Government
Social Welfare and Nutritious Meal
Programme Department,
Fort St.George, Chennai 9
- 2 The Principal Secretary to Government,
School Education Department,
Fort St.George Chennai 9
- 3 The Principal Secretary to Government,
Finance (Pension) Department,
Fort St.George Chennai 9
- 4 The Principal Accountant General (A & E),
Tamilnadu No.361 Anna Salai,
Chennai 18.
- 5 The Director of Social Welfare,
Chinthathripet, Egmore, Chennai 2
- 6 The Director of School Education,
D.P.I.Campus College Road,
Chennai 6 ... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the order of the first respondent issued in G.O.Ms.No. 34 Social Welfare and Nutritious Meal Programme (Sa.U.Thee-2) Department dated 14.3.2013 quash the same in so far as the petitioners herein are concerned and consequently direct the respondents to count 50% of the temporary services rendered by the petitioners herein in Noon Meal Programme Scheme along with the regular service in the permanent Post for the determination of the pensionary benefit and retiral benefit to the petitioners on reaching superannuation.

For Petitioner : Mr.R.MuthuKannu
For Respondents 1, 3 & 5 : Mr.J.Ramesh, A.G.P.
For Respondents 2 & 6 : Mr.Suresh Kumar, G.A.
For Respondent No.4 : Ms.Hema Muralikrishnan

O R D E R

The petitioners herein who have initially served as Noon Meal Organizer, Bala Sevika on consolidated pay prior to 2004 and thereafter joined in the present posts viz., B.T. Asst., Rural Welfare Officer, etc., whose services were regularised after 1.4.2003, seeks half of the past service rendered by the petitioners as Noon Meal Organiser, Bala Sevika shall be taken into account for the purpose of pensionary benefits. As the request of the petitioners herein was rejected by the Government by way of the impugned order cited supra, the petitioners have approached this Court in the present writ petition.

2. The learned Additional Govt. Pleader and the learned Government Advocate appearing for the respondents submitted that the issue pertains to the 50% of the past service rendered by the petitioners, 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 petitioners are not eligible for the relief sought for in the writ petitions. 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 petitioners are 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

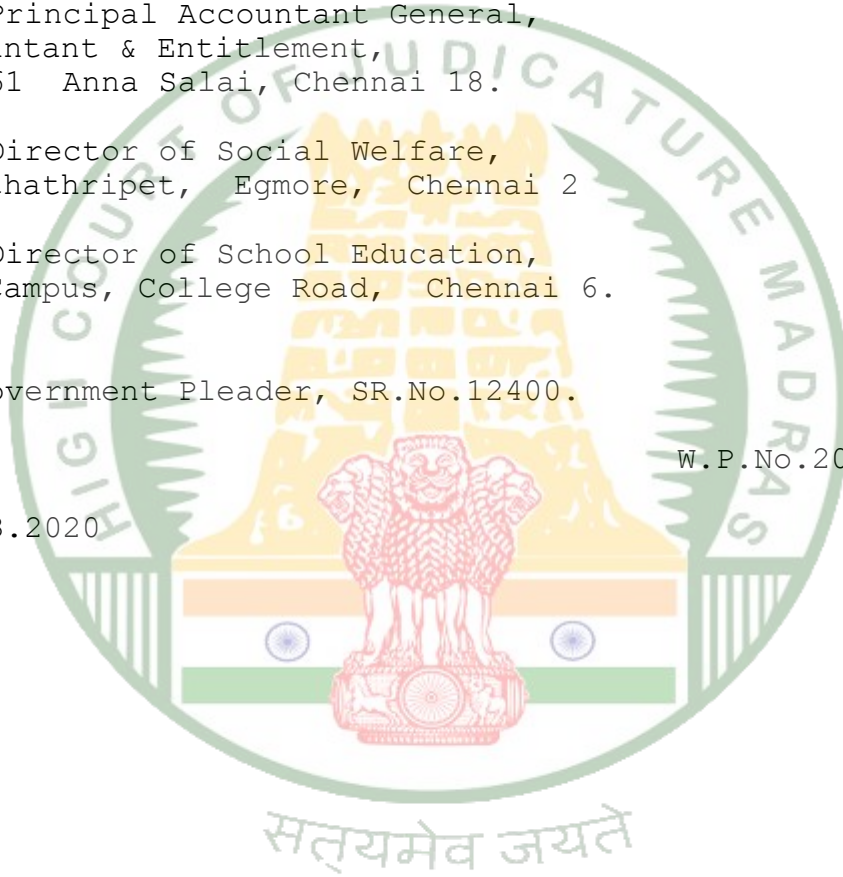
To

1. The Principal Secretary to Government, Govt. of Tamilnadu
Social Welfare and Nutritious Meal Programme Department,
Fort St.George, Chennai 9.
2. The Secretary to Government, Govt. of Tamilnadu,
School Education Department, Fort St.George, Chennai 9.
3. The Principal Secretary to Government, Govt. of Tamilnadu,
Finance (Pension) Department, Fort St.George Chennai 9.
4. The Principal Accountant General,
Accountant & Entitlement,
No.361 Anna Salai, Chennai 18.
5. The Director of Social Welfare,
Chinthathripet, Egmore, Chennai 2
6. The Director of School Education,
DPI Campus, College Road, Chennai 6.

+1cc to Government Pleader, SR.No.12400.

W.P.No.20668 of 2014

PP (CO)
CSR: 16.03.2020



WEB COPY