



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2020

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.13363 of 2011

WEB COPY

S.Shenbagam

... Petitioner

Vs.

1.The State of Tamil Nadu,
rep by the Principal Secretary,
Handloom Handicrafts, Textiles & Khadi Department,
Fort St. George,
Chennai-600 009.

2.The Director,
Department of Sericulture,
Annaimeedu, Salem.

3.The Assistant Director,
Sericulture Department,
Tenkasi.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the 1st respondent in connection with the impugned Govt. Order passed by him in G.O.Ms.No.25, Handloom, Handicrafts, Textiles & Khadi (G2) Department, dated 23.02.2010 to the extent of fixing the pay of lesser pay than that of the pay already received by the petitioner on daily wage basis and in not fixing the retirement age as 60 years and quash the same as illegal and arbitrary and consequently, direct the respondents to pay atleast the same amount of pay received by the petitioner on daily wages basis and fix atleast the age of 60 as the age of superannuation as done in the case of similarly situated employees of other departments viz., Anganwadi Workers, Noon Meal Organisers and the workers falling under the Tamil Nadu Basic Service.

For Petitioner : Mr.G.Thalaimutharasu
For Respondents : Mr.G.Arjunan
Government Advocate

ORDER

The third respondent has filed additional counter affidavit stating that the grievances of the writ petitioner have been redressed. He further stated that the petitioner is also eligible to continue in service till he attained the age of 60 years. The relevant portion of the additional counter affidavit is extracted hereunder:



"The petitioner has filed this writ petition and directing the respondents to pay atleast the same amount of pay received by the petitioner on daily wages basis and fix at least the age of 60 as the age of superannuation as done in the case of similarly situated employees of other department viz., Anganwadi workers, Noon-meals Organizers and the workers falling under the Tamil Nadu Basic Service and pass such order.

It is submitted that the daily wage labourers belonged to this department frequently filed writ petition with a prayer to increase their retirement age from 58 to 60 years since they does not belongs to Tamil Nadu Basic Service. This Hon'ble Court passed interim order and final orders restraining the respondents to retire them at the age of 58 years. In view of the piling up of writ petitioner, the Governance passed orders allowing the labourers of this department to work until attaining the age of 60 years.

In this regard, it is submitted that, the prayer of the petitioner has been fulfilled since the 1st respondent/Government has passed orders vide G.O(MD). No.124, Handlooms, Handicrafts, Textiles & Khadi Department, dated 03.05.2017 and allow the petitioner to work until he attains the age of 60 years."

2.In view of the fact that the Government itself passed an order extending the retirement age of the writ petitioner as 60, the petitioner is also entitled for the benefit of the Government Order issued in G.O.(MS).No.124 Handlooms, Handicrafts, Textiles & Khadi Department, dated 03.05.2017. Accordingly, this Writ Petition stands allowed. No costs.

Sd/-

Assistant Registrar (AE)

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/ /2020

Sub Assistant Registrar(CS)

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To

1.The State of Tamil Nadu,
rep by the Principal Secretary,
Handloom Handicrafts, Textiles & Khadi Department,
Fort St. George,

<https://hcservices.cemts.gov.in/hcservices> 09.



2.The Director,
Department of Sericulture,
Annaaimedu, Salem.

3.The Assistant Director,
Sericulture Department,
Tenkasi.

+1 CC to SPL GP (SR-25152[F] dated 11/12/2020)

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VB (21.12.2020) 3P 5C