



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2020

CORAM:

THE HONOURABLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

W.P (MD) NO. 8813 of 2011

WEB COPY

M. TAMILARASI

: Petitioner

.vs.

1. The Government of Tamil Nadu,
represented by its Principal Secretary,
Department of School Education,
Fort St. George,
Chennai.
2. The Principal Secretary,
Social Welfare and Nutritious Meal Programme,
Government of Tamil Nadu,
Fort St. George,
Chennai.
3. The Director of School Education,
College Road,
Nungambakkam,
Chennai - 600 006.
4. The Headmaster,
Government Boys Higher Secondary School,
Devapandalam-606402,
Villupuram District.
5. The Principal Accountant General,
(Accounts and Entitlement),
Tamil Nadu,
No. 361, Anna Salai,
Chennai - 600 018.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari Mandamus calling for the records pertaining to the impugned proceedings of the fifth respondent in G.P.F. 14/CPS/X/FW247/29/5112 dated 11.4.2011 and to quash the same and direct the fifth respondent to fix the pension taking into account the petitioner's 50% service in Noon Meal Scheme and her entire service as B.T Assistant and to pay pension and other terminal benefits.

For Petitioner

: Mr. M. Saravanan

For Respondents

: Mr. J. Gunaseelan Muthiah

1 to 4

Addl. Govt. Pleader

For Respondent-5

: Mr. P. Gunasekaran



ORDER

This Writ Petition has been filed seeking issuance of a Writ of Certiorarified Mandamus to quash the impugned order fifth respondent, dated 11.4.2011 respectively and to direct the fifth respondent to fix the pension taking into account the petitioner's 50% service in Noon Meal Scheme and her entire service as B.T Assistant and to pay pension and other terminal benefits.

2.The case of the Petitioner is that she was appointed as Noon Meal Organizer in the Government Higher Secondary School, Thottiyam on 28.8.2008 and thereafter relieved from the said schools and based on employment seniority she was appointed as P.G.Assistant(Economics) and joined the fourth respondent school on 29.8.2008 and retired from service on 31.7.2010.During her service, she is a member of Contributory pension scheme and has also paid the contribution As per G.O.Ms.No.6, dated 6.1.2010, 5% of the service rendered as Noon Meal Scheme will have to be taken into account for the purpose of fixation of pension. The Petitioner has submitted an application for pension and gratuity with all necessary enclosures and the fifth respondent has rejected the same on 11.04.2011 stating that they are awaiting orders from the Government and any action would be taken after receiving reply from the Government.

3.Challenging the above said order, the Petitioner has filed the above Writ Petition for the relief stated supra.

4.A counter affidavit has been filed by the fourth respondent narrating the appointment and all other averments made in the Writ Petition and the pension proposal sent to the respondent concerned and the rejection made by the respondent concerned with an endorsement that they are awaiting orders from the Government for the purpose of pension in respect of Noon Meal Organizers and prayed for dismissal of the Writ Petitions.

5.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6.From the perusal of the records, it is seen that the subject-matter issue is covered by the decision of the Larger Bench of this Court made in W.A(MD)Nos.158 of 2016 and batch of cases, dated 3.12.2019,wherein, it has been the Government employees/servants who had rendered their service in non provincialised service or on consolidated pay or honorarium or daily wages who were absorbed after 1.4.2003 will not be entitled counter half of their past service for the purpose of determination of qualifying service for pension.

7.Considering the above-stated legal position pronounced by the Larger Bench of this Court,the Petitioner is not entitled for the

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relief as sought for in the Writ Petition and accordingly, the Writ Petition fails.

8. In the result, the Writ Petition stands dismissed. No costs.

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Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

vsn

To

1. The Principal Secretary,
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Chennai - 600 018.

+1 CC to Mr. P. GUNASEKARAN, Advocate (SR-11940[F] dated 16/03/2020)

ORDER MADE IN
W. P (MD) NO. 8813 of 2011
13.03.2020