



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.07.2020

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.8111 of 2020

(Through Video conferencing)

Mr.Francis Jeeva

...Petitioner

-Vs-

1.The Controller,
Tamil Nadu Agricultural University,
Coimbatore - 3,
(Pension Authority)

2.The Registrar,
Tamil Nadu Agricultural University,
Coimbatore - 3.

3.The Professor and Head Agriculture
Research Station,
Kovilpatti,
Tuticorin District.

...Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondents to count the petitioner's service in the Cadre of Consolidate Labour on consolidated pay as per Rule 11(4) of the Tamil Nadu Pension Rules, 1978 along with the Regular Time Scale of Pay for the purpose of calculation of pension and send pension proposal to the respondents on the basis of the petitioner's representation dated 09.03.2020 within the time period stipulated by this Court.

For Petitioner : Mr.V.Malaiyendran

For Respondents : Mr.A.Thirumurthy, standing counsel

ORDER

The prayer sought for herein is for a writ of Mandamus, directing the respondents to count the petitioner's service in the Cadre of Consolidate Labour on consolidated pay as per Rule 11(4) of the Tamil Nadu Pension Rules, 1978 along with the Regular Time Scale of Pay for the purpose of calculation of pension and send pension proposal to the respondents on the basis of the petitioner's



representation dated 09.03.2020 within the time period stipulated by this Court.

2. Heard Mr.V.Malaiyendran, learned counsel appearing for the petitioner and Mr.A.Thirumurthy, learned standing counsel appearing for the respondents.

3. The petitioner was temporarily appointed on daily wages basis at the respondent University as Labourer in the year 1971 and he has been working in that capacity for several years and from 1997 onwards, he has been brought under regular employee and thereafter, he retired from service.

4. In this regard, it is the grievance of the petitioner that, as per the procedures, which are in vogue, especially in the context of G.O.No.408 Finance (Pension) Department dated 25.08.2009, those who had been working as non-provincialised service, consolidated pay, honorarium and daily wages and who had been regularised from 01.04.2003 can be considered to be taken into account the past service in that capacity for the purpose of pensionary benefits under Rule 11(2) of the Tamil Nadu Pension Rules. Therefore, in this case, it is the further grievance of the petitioner that, since the petitioner has been regularly absorbed from 1997 and thereafter, he retired, he also, according to him, would be eligible to get the benefit accrued under G.O.No.408 referred to above and in this regard, the petitioner has given a representation to the respondent University on 09.03.2020. Therefore, the learned counsel appearing for the petitioner would submit that, if the said representation is directed to be considered by the respondent University on merits and in accordance with law, within a time to be stipulated by this Court, the petitioner would be satisfied.

5. I have heard the learned standing counsel appearing for the respondent University, who would submit that, whether the petitioner would be entitled to get any benefit as claimed by him under the Government Order referred to above has to be examined by the University, because the University employees and their pensionary benefits and other service conditions are governed by separate Statute. Therefore, whatever be the entitlement for the petitioner according to the University Statute and the regulations made thereunder would be considered on merits and in accordance with law and accordingly, his representation would be disposed of within a time frame.

6. Considering the said submissions made by the learned counsel for both sides and taking into account the aforesaid factual matrix of this case, this Court is inclined to dispose of the writ petition at the admission stage, with the consent of both sides, with the following order:

"the respondent University shall consider the



representation of the petitioner dated 09.03.2020 on merits and in accordance with law and pass orders thereon, within a period of 8 weeks from the date of receipt of a copy of this order."

7. With the above direction, this writ petition is disposed of.
No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Arul

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Controller,
Tamil Nadu Agricultural University,
Coimbatore - 3,
(Pension Authority)
2. The Registrar,
Tamil Nadu Agricultural University,
Coimbatore - 3.
3. The Professor and Head Agriculture
Research Station,
Kovilpatti,
Tuticorin District.

Order made in
W.P. (MD) No. 8111 of 2020
28.07.2020

SMA/07/08/2020/3P/4C