



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.11.2020

CORAM:

THE HONOURABLE **MR. JUSTICE S.M.SUBRAMANIAM**

W.P. (MD) No.10638 of 2015

P.Velusamy

... Petitioner

Vs.

1.The Joint Director of Agriculture,
Melakkanmai Street,
Madurai-625 020.

2.The Dean,
Agriculture College,
Madurai.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pay proportionate pension to the petitioner from the date of his eligibility, vide the G.O.Ms.No.404; Dt:6.06.1991 FINANCE (epf) DEPARTMENT of Government of Tamil Nadu, for the period of service between 10.12.1962 and 30-06-1970 7 years, 6 months and 20 days rendered in the Agricultural Department of Government of Tamil Nadu.

For Petitioner : Mr.S.Seenivasagam

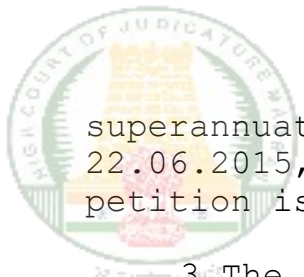
For R1 : Mr.J.Gunaseelan Muthiah
Additional Government Pleader

For R2 : Mr.A.Thirumurthy

ORDER

The relief sought for in the present writ petition is to direct the respondent to pay provident fund to the petitioner from the date of his eligible vide G.O.Ms.No.404; Dt. 06.06.1991 Finance (EPF) Department of Government of Tamil Nadu, for a period of service between 10.12.1962 and 30.06.1970.

2.A perusal of the affidavit reveals that the present writ petition is filed at the age of 80 years by the writ petitioner, now he would be around 85 years. The petitioner reached the age of



superannuation on 31.03.1994. The writ petition is filed on 22.06.2015, after a lapse of more than 20 years. Thus, the writ petition is to be rejected merely on the ground of laches.

3. The learned counsel appearing for the writ petitioner argued the case on merits. His contention was that the petitioner was appointed in the Agricultural Department in the year 1962 and resigned his job in the year 1970 and thereafter, he was appointed in Madras Fertilizers Ltd., is a Central Organization and served up to in the year 1994 and retired from service. As per Government Order in force, the petitioner is entitled for pensionary benefits for the period in which he served in the Agricultural Department. The learned counsel for the petitioner referred to G.O.Ms.No.345 Personnel and Administrative Reforms (F.RII) Department, dated 20.04.1987 and the Government Order issued in G.O.Ms.No.404 Finance (EPF) Department of Government of Tamil Nadu, dated 06.06.1991. The Government Orders state that absorption of employees of Central Autonomus Body in State Government counting of service can be considered for granting pensionary benefits. Thus, the petitioner, who secured appointment to the Central Government Organization viz. Madras Fertilizers Ltd., is entitled for the counting of his service rendered by him in the Agricultural Department.

4. It is brought to the notice of this Court that the petitioner has resigned his job on 07.01.1971. The order of resignation is enclosed in Page No.9 of the typed set of papers. The resignation submitted by the writ petitioner was accepted with effect from 30.06.1970. The petitioner, during the relevant point of time, was working as Assistant Lecturer in Agricultural Extension (approved Probationer) and there is no mentioning about the acceptance of any further appointment from the Central Government Organization or otherwise.

5. The order of appointment issued by the Madras Fertilizers Ltd., is enclosed in Page No.6 of the typed set of papers which reveals that the petitioner submitted his application and based on the interview conducted, he was selected to the post of Field Representative. Thus, the appointment of the petitioner in Madras Fertilizers Limited, is an independent appointment and this apart, he resigned his post from the Agricultural Department. Resignation amounts to forfeiture of past services. This apart, the petitioner was working in the erstwhile Agricultural College, Madurai, prior to the establishment of the Tamil Nadu Agricultural University and resigned his post and relieved from the State Government service on 30.06.1970. Thus, the Agricultural University or College, is not liable to consider the case of the writ petitioner. As far as the Agricultural Department is concerned, the petitioner resigned his job and as per Rule 23 of the Pension Rule 1978, resignation amounts to forfeiture of the past service.



6.This apart, the petitioner has approached this Court after a lapse of about 20 years from the date of his retirement. This being the factum, this writ petition stands dismissed both on merits and on the ground of laches. No costs.

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Sd/-

Assistant Registrar (crl side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1.The Joint Director of Agriculture,
Melakkanmai Street,
Madurai-625 020.

2.The Dean,
Agriculture College,
Madurai.

+1 CC to Mr.T.SAKTHI KUMARAN, Advocate (SR-23433[F] dated
01/12/2020)

+1 CC to SPL GP (SR-23494[F] dated 01/12/2020)

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