



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.11.2020

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P (MD) No.4825 of 2014

WEB COPY

S.Sugumaran

: Petitioner

Vs.

1.The Principal Accountant General,
Accounts and Entitlements,
No.361, Annasalai,
Chennai - 18.

2.The Secretary to the Government,
The Government of Tamilnadu,
Department of School Education,
Fort St.George,
Chennai.

3.The Secretary to the Government,
The Government of Tamilnadu,
Social Welfare and Nutritious Meal Programme,
Fort St.George,
Chennai.

4.The Head Master,
Government Higher Secondary School,
Vannagundu,
Ramanathapuram - 623 523.

: Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for Writ of Certiorarified Mandamus calling for the records pertaining to the impugned proceedings of the 1st Respondent in PEN.10/1/11011847/2013-14/ADK dated 21.01.2014 and quashed the same and consequently direct the 1st and 4th Respondent to sanction the pension to the petitioner by taking into account the petitioner's 50% service in Noon Meal Scheme From 15.09.1984 to 09.07.2004 and his entire service as BT Assistant and to pay pension and other Terminal Benefits within the reasonable period to be fixed by this Hon'ble Court.

For Petitioner : Mr.N.Shankar Ganesh

For R1 : Mr.P.Gunasekaran

For R2 to R4 : Mrs.S.Srimathy
Special Government Pleader



O R D E R

The order dated 21.01.2014 passed by the first respondent is sought to be quashed and a further direction is sought for to sanction pension to the petitioner taking into account 50% of the services as Noon Meal Organizer.

2.The claim of the writ petitioner is to treat the period of services as Noon Meal Organizer as qualifying services. More specifically, the petitioner has pleaded that 50% of the temporary services are to be counted as qualifying services for the purpose of grant of pensionary benefits. The petitioner mainly relied on the Judgement of this Court in a batch of writ petitions in W.P.No.7070, 7529, 8287 and 8425 of 2011 dated 27.06.2012. Relying on the said Judgment passed in the writ petition, the petitioner claims that he is also similarly placed and his services are also to be counted for the purpose of calculating the qualification services.

3.The learned counsel appearing on behalf of the respondents sharply contended that the said Judgment was set aside by the Hon'ble Division Bench of this Court on 03.12.2014 in W.A(MD) Nos.587, 605, 606 & 1024 of 2014. The relevant paragraphs of the order of the Hon'ble Division Bench is extracted hereunder:

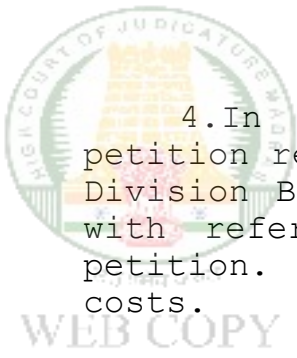
"27.A combined reading of G.O.(Ms) No.408, Finance (Pension) Department, dated 25.08.2009; G.O.(Ms).No.5, Social Welfare and Nutritious Meals Scheme Department, dated 06.01.2010; G.O.No.41, Finance (Pension) Department, dated 09.02.2010, and G.O.(Ms).No.34, Social Welfare and Nutritious Meals Scheme Department, dated 14.03.2013 and Rule 11(4) of the Pension Rules would clearly reveal that the respondents are not entitled to the benefit of counting of 50% of their services rendered in Noon Meal Programme and ICDS Services. Accordingly, we are of the considered opinion that the orders passed by the learned Single Judge, warrant interference at the hands of this Court.

28.In the result,

(i)all the Writ Appeals in W.A.(MD)Nos.587, 605, 606 and 1024 of 2014 are allowed and orders of the learned Judge are set aside and the writ petitions are dismissed; Consequently, connected miscellaneous petitions are closed;

(ii)In view of the same, W.P.(MD).No.12689 of 2014 also fails and the same is dismissed; and

(iii) There shall be no order as to costs, in all the cases."



4. In view of the fact that the order passed in the writ petition relied on by the writ petitioner is reversed by the Hon'ble Division Bench of this Court, no further consideration is required with reference to the reliefs sought for in the present writ petition. Accordingly, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (P&A)

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/ /2020

Sub Assistant Registrar(CS)

Tsg-2/CM

To

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Order in
W.P (MD) No. 4825 of 2014
05.11.2020

VR (CO)

AP (18/11/2020) 3P 5C