



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD).No.7093 of 2015

T.Seenivasakan

... Petitioner

-Vs-

1.The Directorate of Public Libraries,
Director of Public Libraries,
Mound Road, Chennai.

2.The Director of Pension,
259, Anna Salai, Block 3, II Floor,
D.M.S.Compound, Teynampet,
Chennai-6.

3.The District Library Officer,
Virudhunagar.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order issued by the first respondent in Na.Ka.No.10074/A4/2014 dated 04.02.2015 and quash the same and consequently direct the respondents to provide pension for the petitioner under old pension scheme by taking into account the half of the services rendered by the petitioner in temporary service within the time stipulated by this Court.

For Petitioner	: Mr.D.Sadiqraja
For Respondents	: Mr.P.Mahendarn Additional Government Pleader

ORDER

The relief sought for in the present writ petition is to quash the order of rejection, dated 04.02.2015 and direct the respondents to provide pension under the Old Pension Scheme taking into account 50% of the services rendered by the petitioner in temporary employment.

2.With reference to the claim made by the writ petitioner, the Hon'ble Full Bench of this Court elaborately adjudicated the issues and delivered a judgment on 03.12.2019 in W.A.No.158 etc., of



2016. The relevant portion of the judgment in para No.45 is extracted hereunder:

"45. In the light of the above, we answer the reference as follows:-

i) Those who are freshly appointed on or after 01.04.2003 are not entitled to pension in view of proviso to Rule 2 of Tamil Nadu Pension Rules, 1978 inserted by G.O.Ms.No.259 dated 06.08.2003

(ii) Those government servants/employees appointed prior to 01.04.2003 whether on temporary or permanent basis in terms of Rule 10 (a) (i) of Tamil Nadu State and Subordinate Service Rules will be entitled to get pension as per the Tamil Nadu Pension Rules, 1978.

(iii) In case, a government employee/servant had also rendered service in non-provincialised service, or on consolidated pay or on honorarium or daily wage basis and if such services were regularised before 01.04.2003, half of such service rendered shall be counted for the purpose of conferment of pensionary benefits.

(iv) Those government servants who were appointed in the aforesaid four categories before the cut off date and later appointed under Rule 10 (a) (i) of Tamil Nadu State and Subordinate Service Rules before 01.04.2003 and absorbed into regular service after 01.04.2003 will not be entitled to count half of their past service for the purpose of determination of qualifying service for pension.

(v) Those government servants who were appointed in the aforesaid four categories before 01.04.2003 but were absorbed in regular service after 01.04.2003 will not be entitled to count half of their past service for the purpose of determination of qualifying service for pension."

3. In the light of the judgment of the Hon'ble Full Bench cited supra, the writ petitioner is at liberty to submit a fresh representation to the competent authority with all facts and particulars along with documents and on receipt of any such representation, the competent authority is directed to consider the case of the writ petitioner in the light of the judgment of the Hon'ble Full Bench cited supra, take decision and pass appropriate speaking orders, after verifying the service records of the petitioner, as expeditiously as possible, preferably within a period of twelve weeks from the date of receipt of a copy of this order.



4.With the above directions, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

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Sub Assistant Registrar(CS)

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To

1.The Directorate of Public Libraries,
Director of Public Libraries,
Mound Road, Chennai.

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259, Anna Salai, Block 3, II Floor,
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3.The District Library Officer,
Virudhunagar.

+1 CC to SPL GP (SR-24616[F] dated 09/12/2020)

+1 CC to Mr.D.SADIQ RAJA, Advocate (SR-24778[F] dated 10/12/2020)

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VB (21.12.2020) 3P 6C