

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.Nos.1517, 1518, 1519, 1521 and 1524 of 2021

(Heard through VC)

P.Balakrishnan ... Petitioner in W.P.No.1517 of 2021
R.Rajasekaran ... Petitioner in W.P.No.1518 of 2021
R.Kalaivani ... Petitioner in W.P.No.1519 of 2021
G.Sornambal ... Petitioner in W.P.No.1521 of 2021
D.Thangamuthu ... Petitioner in W.P.No.1524 of 2021

-vs-

1. The State of Tamil Nadu,
Rep. By the Secretary to Government,
Animal Husbandry, Dairying and Fisheries Department,
Secretariat, Chennai - 600 009.
 2. The Director of Fisheries,
Nandanam, Chennai - 600 035. ... Respondents in all W.Ps.
- The Assistant Director of Fisheries,
Fishing Harbour Complex,
Cuddalore O.T. 607 003. ... 3rd Respondent in W.P.No.1518 of 2021
- The Assistant Director of Fisheries,
Krishnagiri 635 001.
... 3rd Respondent in W.P.No.1519 of 2021
- The Assistant Director of Fisheries,
Mettur Dam,
Mettur.
... 3rd Respondent in W.P.No.1521 of 2021
- The Assistant Director of Fisheries,
Erode 638 011. ... 3rd Respondent in W.P.No.1524 of 2021

COMMON PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to reckon the service rendered by the petitioners in the Fish Farmers Development Agency (FFDA) as the qualifying service for his pensionary benefits.

For Petitioners
in all W.Ps : Mr.M.Radhakrishnan
For Respondents
in all W.Ps : Mrs.P.Rajalakshmi
Additional Government Pleader

COMMON ORDER

These batch of writ petitions have been filed, seeking a direction to the respondents to reckon the service rendered by the petitioners in the Fish Farmers Development Agency (FFDA), as the qualifying service for their pensionary benefits.

2. When these matters are taken up for hearing, it is represented by the learned counsel appearing for the petitioners that three other similarly persons have been granted the benefits of reckoning the service in terms of the order of the Madurai Bench of this Court dated 26.10.2016 passed in WP (MD) No.20756 of 2016.

3. The learned Additional Government Pleader appearing for the respondents submitted that the facts of those cases are completely different and not applicable to the case of the petitioners herein. Hence, it is prayed that the petitioners are not entitled to the relief sought for and the Writ Petitions are liable to be dismissed.

4. Considering the facts and circumstances of this case, this Court is of the opinion that there is nothing wrong in considering the request of the petitioners and the benefits can be granted to them for the purpose of pensionary benefits, taking note of other persons, if they are similarly placed.

5. Hence, these Writ Petitions are disposed of with the following directions:

i) A direction is issued to the respondents to take a decision in respect of the case of the petitioners, in the light of the decision of Madurai Bench of this Court made in W.P.(MD). No.20756 of 2016 dated 26.10.2016, after affording an opportunity of hearing to the petitioners either physically or virtually, as expeditiously as possible, preferably within a period of 60 days from the date of receipt of a copy of this order;

ii) In case the petitioners are unable to appear for personal hearing, the petitioners are entitled to send a written submission within a period of one month from the date of receipt of a copy of this order through registered post or speed post and the same shall be treated as personal hearing. It is made clear that the petitioners can avail the opportunity of either personal hearing or filing written submission and not both;

iii) In case the petitioners fail to appear or file a written submission in time, the respondents shall pass orders based on the available records and the petitioners, cannot at a later point of time take a stand that opportunity of being heard is not given to the petitioner;

iv) The petitioners shall furnish Mobile Number, email ID, if any, etc., along with a copy of this order, to the respondents forthwith;

v) The respondents are directed to communicate the decision to be taken to the petitioners within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the petitioners to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the petitioners, they will have to face the civil imprisonment in case of contempt proceedings. If they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of delivery, so that the petitioners, later on, will not take a plea that the petitioners are not aware of the order.

6. It is made clear that if the decision is applicable to the case of the petitioners herein, the case of the petitioners shall be considered, provided the said judgment dated 26.10.2016 is not tested in the Writ Appeal. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

vum

To:

1. The State of Tamil Nadu,
Rep. By the Secretary to Government,
Animal Husbandry, Dairying and Fisheries Department,
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2. The Director of Fisheries,
Nandanam, Chennai - 600 035.
- 3.The Assistant Director of Fisheries,
Fishing Harbour Complex,Cuddalore O.T. 607 003.
- 4.The Assistant Director of Fisheries,Krishnagiri 635 001.
- 5.The Assistant Director of Fisheries,Mettur Dam,Mettur.
- 6.The Assistant Director of Fisheries,Erode 638 011.

+5ccs to Mr.M.Radhakrishnan, Advocate

SR.Nos.9771,9770,9769,9768,9772

+1 cc to Government Pleader Sr.No. 9924

W.P.Nos.1517, 1518, 1519, 1521 and 1524 of 2021

A.SK(05.07.2021)