



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2021

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.NO.23051 OF 2021

(Through Video Conferencing)

M.Shantha

... Petitioner

.Vs.

1. The State of Tamil Nadu,
Represented by the Secretary to the Government,
Agriculture and Farmers Welfare Department,
Fort St. George,
Secretariat,
Chennai - 600 009.
2. The Director of Horticulture
& Plantation Crops,
Chepauk, Chennai - 600 005.
3. The Joint Director of Horticulture,
Vijayanagaram, Horticulture House,
P.B.No.74, Udthagamandalam - 643 001.
4. The Assistant Director,
Department of Horticulture,
Sims Park, Coonoor,
The Nilgiris District.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 21.09.2021 and consequently directing them to pay pension, gratuity and applicable benefits to the petitioner.

For Petitioner : Mr.M.Padmanaban

For Respondents : Mr.L.S.M.Hasan Fizal
Government Advocate



ORDER

Mr.L.S.M.Hasan Fizal, learned Government Advocate takes notice on behalf of the respondents.

WEB COPY

2. This writ petition is being disposed at the time of admission without expressing any opinion on the merits of the case considering the fact that the petitioner has given a representation dated 21.09.2021 and considering the fact that the petitioner is going to be retired on 31.10.2021.

3. It is the case of the petitioner that the petitioner was appointed on daily wage basis for a meagre daily wages in the year 1981 and had continuously serving with the Horticulture Department and was eventually absorbed in regular services in terms of G.O.Ms.No.494, Agriculture (Ve Ni 1) Department dated 29.11.2007.

4. It is further case of the petitioner that after the petitioner's services were regularized she was also given the benefit of 7th pay commission and therefore the petitioner is entitled for pension under the provisions of the Tamil Nadu Pension Rules, 1978 owing to the fact that she has been continued service from 1981.

5. The learned counsel for the petitioner further submits that the petitioner will be satisfied if the petitioner is given special pension on par with the special pension that is given under the Noon Meal Scheme of the Social Welfare Department.

6. Opposing the prayer, the learned Government Advocate for the respondents submits that the writ petition is liable to be dismissed as the petitioner has no right to claim pension under the Tamil Nadu Pension Rules, 1978 which has been amended by G.O.Ms.No.259, Finance (Pension) Department dated 06.08.2003 vide SRO B-282/2003 with effect from 1st April 2003.

7. Considering the fact that the petitioner's representation is dated 21.09.2021, is yet to be considered, this Writ Petition is allowed by directing the second and third respondents to pass appropriate orders on the representation of the petitioner within a period of eight weeks from the date of receipt of a copy of this order in accordance with law and on merits. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar



1. The Secretary to Government,
Government of Tamil Nadu,
Agriculture and Farmers Welfare Department,
Fort St. George,
Secretariat,
Chennai - 600 009.
2. The Director of Horticulture
& Plantation Crops,
Chepauk, Chennai - 600 005.
3. The Joint Director of Horticulture,
Vijayanagaram, Horticulture House,
P.B.No.74, Udhagamandalam - 643 001.
4. The Assistant Director,
Department of Horticulture,
Sims Park, Coonoor,
The Nilgiris District.

+1cc to Mr.M.Padmanaban, Advocate, S.R.No.55764
+1cc to the Government Pleader, S.R.No.55832

W.P.NO.23051 OF 2021

MG (CO)
PBS/25/11/2021