



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.11.2021**

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**

W.P. (MD)No.2170 of 2018

P.Kannusamy

...Petitioner

/Vs./

1.The Director of Agriculture,
Chepauk, Chennai - 600 005.

2.The Joint Director of Agriculture,
Pudukkottai District,
Pudukkottai.

3.The Assistant Director of Agriculture,
Alangudi, Pudukkottai District.

...Respondents

PRAYER:- Writ Petition - filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records in pursuant to the impugned order in A6/11276/2017 dated 03.10.2017 passed by the 2nd respondent, and quash the same and consequently directing the respondents herein to sanction and disburse forthwith the pension benefits due to the petitioner viz., encashment of Earned Leave and Unearned Leave and the Tamil Nadu Government Employees Special Provident Fund and the General Provident Fund, Gratuity, Pension admissible to the petitioner with penal interest at the rate of 18%.

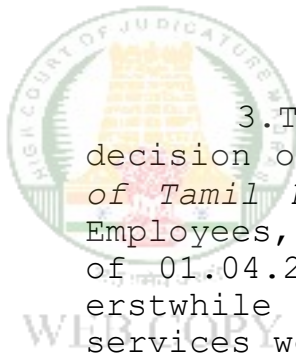
For Petitioner : Mr.P.Saravanakumar for
M/s.P.Kalaiyarasi Bharathi

For Respondents : Mr.A.K.Manikkam
Special Government Pleader

ORDER

The petitioner had been sponsored through the employment exchange and appointed as Watchman, in the capacity of casual labourer on 12.02.1987 in the office of the Assistant Director of Agriculture, Alangudi. His services were regularized by G.O.Ms.No.19, Agriculture (VeaNi4(1)) Department, dated 22.01.2016 with effect from 31.08.2007.

2.In this writ petition, he challenges an order dated 03.10.2017 passed by the Joint Director of Agriculture, rejecting his request to be governed by the Pension Scheme, that was in force till 31.03.2003 and instead, granting him benefits and coverage under the New Pension Scheme, that is in force from 01.04.2003 onwards.



3.This issue can very well be decided, referring to the decision of the Full Bench of this Court, in the case of *Government of Tamil Nadu and others Vs. R.Kaliyamoorthy* (2020 (2) MLJ 369). Employees, whose services were regularized before the cut off date of 01.04.2003 have been held to qualify for the benefits of the erstwhile scheme, that was in force till 31.03.2003, and those whose services were regularized after the cut-off date, to the new scheme.

4.In the present case, since there is no dispute on the position that the services of the petitioner have been regularized only with effect from 31.08.2007, there is no infirmity in the impugned order and the same stands confirmed.

5.If at all the petitioner is aggrieved with regularization of services only with effect from 31.08.2007, he ought to have challenged G.O.Ms.No.19, Agriculture (VeaNi4(1)) Department, dated 22.01.2016, which has not chosen to do.

6.This Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Director of Agriculture,
Chepauk, Chennai - 600 005.

2.The Joint Director of Agriculture,
Pudukkottai District, Pudukkottai.

3.The Assistant Director of Agriculture,
Alangudi, Pudukkottai District.

+1 CC to M/s.SPL GP (SR-35863[F] dated 25/11/2021)

W.P. (MD) No.2170 of 2018
24.11.2021

NSN(CO)

KB(07.01.2022) 2P 5C

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