



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.11.2021

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**

W.P. (MD)No.3591 of 2018

WEB COPY

S.Syed Ahamed

...Petitioner

/Vs./

1.The Secretary to Government
Housing and Urban development/Chairman,
Slum Clearance Board,
Fort St. George,
Chennai-09.

2.The Principal Secretary/Managing Director,
Tamil Nadu Slum Clearance Board,
No.5 Kamarajar Salai,
Chennai-05.

...Respondents

PRAYER:- Writ Petition - filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, to direct the respondents to tag in the 17 years of service rendered in the TAPCO along with the service rendered in Slum Clearance Board for calculation of pension and other benefits with all consequential benefits accepting the surrender of terminal benefits Rs.1,04,150/- received by the petitioner at the time of termination due to retrenchment from TAPCO.

For Petitioner	: Mr.V.Venkataseshan
For R1	: Mr.K.S.Selvaganesan counsel for state
For R2	: Mr.P.Mahendran Standing counsel

O R D E R

Read this order in conjunction with my order dated 08.11.2021 extracted below:

" The petitioner has prayed for a Mandamus directing the respondents to count his service of 17 years in the Tamil Nadu Poultry Development Corporation (TAPCO) along with service rendered by him in the Tamil Nadu Slum Clearance Board (TNSCB) for computation of pension and benefits.

2. The respondents have filed a common counter, along



with a compilation of documents, wherein they refer to Letter bearing No.6137/SC2-2/2014-15 dated 11.04.2018, which, though not referring to the petitioner by name, refers to 34 employees, who were absorbed in the TNSCB, after closure of TAPCO.

3. In all those cases, there had been a proposal for counting of their service in TAPCO for pensionary benefits at the time of superannuation from the TNSCB, which proposal had come to be rejected.

4. Learned counsel appearing for the petitioner seeks sometime to obtain instructions in this matter.

5. List on 10.11.2021. "

2 . I have, at paragraph No.2 therein, referred to Letter bearing No.6137/SC2-2/2014-15 dated 11.04.2018 which rejects a proposal made with reference to 34 employees of TAPCO, who were absorbed in TNSCB. The employees had sought inclusion of their services in TAPCO in computing pension and benefits at the time of their superannuation from TNSCB. In light of the rejection as aforesaid, the mandamus sought for by the petitioner is liable to be rejected and I do so. This writ petition is thus dismissed.

3. Mr.V.Venkataseshan, learned counsel appearing for the petitioner would submit that letter dated 11.04.2018 has been brought to their attention only now and moreover, it is contrary to the dicta of various decisions to the effect that the entirety of continuous service put in by the employees should be taken into account at the time of superannuation for computation of terminal benefits. Liberty is thus granted to the petitioner to challenge communication dated 11.04.2018, if so advised. No costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Ssb

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 Secretary to Government
Housing and Urban development/Chairman,
Slum Clearance Board,
Fort St. George,
Chennai-09.

2.The Principal Secretary/Managing Director,
TN Slum Clearance Board,
No.5 Kamarajar Salai,
Chennai-05.

+1 CC to M/s.M.V.VENKATASESHAN, Advocate (SR-33980[F] dated 10/11/2021)

+1 CC to M/s.P.MAHENDRAN, Advocate (SR-34332[F] dated 12/11/2021)

+1 CC to M/s.SPL.GP (SR-34075[F] dated 11/11/2021)

W.P. (MD) No. 3591 of 2018
10.11.2021

SE(CO)
SB/PM (19.11.2021) 3P 6C