



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.01.2021

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

AND

THE HONOURABLE MRS.JUSTICE S.KANNAMMAL

W.A(MD)No.558 of 2014

and

M.P(MD)No.2 of 2014

- 1.The Government of Tamil Nadu,
Rep. by its Principal Secretary,
Department of School Education,
Fort St. George, Chennai.
 - 2.The Principal Secretary,
Social Welfare and Nutritious Meal Programme,
Fort St. George, Chennai.
 - 3.The Director of School Education,
College Road, Nungambakkam,
Chennai - 600 006.
 - 4.The Chief Educational Officer,
Salem.
 - 5.The Headmaster,
Government Higher Secondary School,
Kaverypuram - 635 303,
Mettur Via,
Salem District.
 - 6.Principal Accountant General,
(Accounts and Entitlements),
Tamil Nadu,
No.361, Anna Salai,
Chennai - 600 018.
- ... Appellants / Petitioners

Vs.

K.Robert Wilson

... Respondent / Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order, dated 27.06.2012 made in W.P(MD)No.8425 of 2011 on the file of this Court.

Prayer in W.P(MD)No.8425 of 2011:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned proceedings of the 6th Respondent in GPF14/CPS/III/2010-2011/3163, dated 09.04.2010, quash the same and direct the 6th Respondent to fix



the pension taking into account the petitioner's 50% service in Noon Meal Scheme and her entire service as B.T. Assistant and to pay pension and other terminal benefits.

For Appellants : Mrs.S.Srimathy,
Special Government Pleader.
For Respondent : Mr.M.Saravanan

JUDGMENT

**(Judgment of the Court was delivered by
PUSHPA SATHYANARAYANA, J.)**

The Writ Appeal is directed against the order in W.P(MD)No.8425 of 2011, which was decided along with other writ petitions, namely, W.P(MD)Nos.7070, 7529 and 8287 of 2011 on 27.06.2012.

2.The appellants herein had preferred Writ Appeals against the said order in W.P(MD)Nos.8287, 7070 and 7529 in W.A(MD)Nos.587, 605 and 606 of 2014 respectively and the said Writ Appeals along with W.A(MD)No.1024 of 2014 and W.P(MD)No.1689 of 2014 were decided by the Division Bench of this Court on 03.12.2014, allowing the Writ Appeals by setting aside the order of the learned Single Judge, as follows:

"27.A combined reading of G.O.(Ms) No.408, Finance (Pension) Department, dated 25.08.2009; G.O.(Ms) No.6, Social Welfare and Nutritious Meals Scheme Department, dated 06.01.2010; G.O.No.41, Finance (Pension) Department, dated 09.02.2010; and G.O.(Ms) No.34, Social Welfare and Nutritious Meals Scheme Department, dated 14.03.2013 and Rule 11 (4) of the Pension Rules would clearly reveal that the respondents are not entitled to the benefit of counting of 50% of their services rendered in Noon Meal Programme and ICDS services. Accordingly, we are of the considered opinion that the orders passed by the learned Single Judge, warrant interference at the hands of this Court."

3.In view of the above, the same would enure to the present Writ Appeal also. Accordingly, the Writ Appeal is allowed in terms of the above Judgment. No costs. consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar ()

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/ /2021

Sub Assistant Registrar(CS)



To

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