



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:22.02.2021

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P. (MD)No.5878 of 2016

R.Kannan

... Petitioner

Vs.

1.The Principal Secretary to
Government of Tamil Nadu
Department of Collegiate Education,
Secretariat,
St.George Fort,
Chennai.

2.The Director of Collegiate Education,
Sampath Building,
Nungampakkam,
Chennai.

3.The Director of Agriculture,
Chepauk, Chennai.

4.The Principal
His Highness Rajah's College (Autonomous)
Pudukkottai.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 1st respondent to take into account the period of 1 year 6 months and 9 days from 16.11.1987 to 26.03.1993 to grant salary and other attendant monetary benefits like gratuity and pension at once.

For Petitioner : Mr.P.Ganapathi Subramanian
For R1 to R3 : Mr.M.Muthugeethayan
Special Government Pleader
For R4 : No appearance

O R D E R

This writ petition has been filed by the petitioner, directing the first respondent to take into account the period of 1 year 6 months and 9 days from 16.11.1987 to 26.03.1993 to grant salary and other attendant monetary benefits like gratuity and pension at once.

2.The case of the petitioner is that he was joined as Field Demonstration Officer in Agriculture Department in the year 1971 and thereafter, he was promoted as Assistant Agricultural Officer. After completion of 16 years of service in the Agricultural Department, he has joined the post of Assistant Professor in the year 1987 in Govindasamy Government Arts College, Tindivandam, with the consent of the Agriculture Department. Thereafter, the petitioner was



retired from service. While calculating the petitioner's retirement benefits, the second respondent has failed to take into account the period of 1 year 6 months and 9 days. In this regard, the petitioner has made several representations to the first respondent. So far no action has been taken. Hence, the present writ petition is filed.

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3.This Court perused the order of the second respondent dated 13.04.2009, wherein, in Annexure-A, it is seen that qualifying temporary Assistant Professor Service under contract basis is taken into account after condoning the break in service, as per G.O.Ms.No.320 H.E(F2) Department, dated 20.09.2007 and hence, the said period is treated as break in service and the same is not taken into account for calculating the terminal benefits. If at all any grievance is made, the petitioner has to challenge the said order dated 13.04.2009 in the manner known to law.

4.In view of the above, this Writ Petition is dismissed. No costs. However, liberty is granted to the petitioner to work out his remedy in the manner known to law.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1.The Principal Secretary to
Government of Tamil Nadu
Department of Collegiate Education,
Secretariat,
St.George Fort,
Chennai.

2.The Director of Collegiate Education,
Sampath Building,
Nungampakkam,
Chennai.

3.The Director of Agriculture,
Chepauk, Chennai.

+1 CC to M/s.SPL GP (SR-7277[F] dated 25/02/2021)

W.P. (MD)No.5878 of 2016
22.02.2021

SJ(CO)

KB(09.03.2021) 2P 5C

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