



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.21564 of 2013

S.Senbagam

...Petitioner

Vs.

1. State of Tamil Nadu
Rep. by Secretary,
Sericulture Department,
Fort St.George,
Chennai - 9.

2. The Director Sericulture,
Salem.

3. The Assistant Director Sericulture,
Tenkasi.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order in G.O.Ms.No.25 Handlooms, Handicrafts, Textiles and Khadi (G2) Department dated 23.02.2010 passed by the first respondent herein and consequential order in proceedings No.886/A/2010 dated 28.04.2010 passed by the third respondent herein and quash the same and further direct the respondents to regularize the services of the petitioner from the date of completion of ten years of service in the department and sanction all benefits arising out of such regularization by counting 50% of earlier period of ten years as the petitioner served as full time Farm Worker in accordance with Rule 11(2) of the Tamil Nadu Pension Rules 1978.

For Petitioner : Mr.K.M.Ramesh

For Respondents: Mr.E.Veda Bagath Singh
Special Government Pleader



ORDER

The petitioner herein, claims to have joined the respondent's Sericulture Farm on 31.10.1984 on daily rated basis. Her services came to be regularized on 28.04.2010. The petitioner now claims that she would be entitled for regularization from the date of completion of 10 years of service in view of G.O.Ms.No.22 P & AR Department dated 28.02.2006 and would also be entitled for counting of 50% wages with earlier period of 10 years for the purpose of pensionary benefits.

2. The claim of similarly placed employees as that of the petitioner, came up for consideration before the Full Bench of this Court in W.A.Nos.314 to 317 of 2016 dated 03.12.2019, whereby, the Hon'ble Full Bench had held that the Government Servants who were appointed under 10(a)(i) of Tamil Nadu State and Subordinate Service Rules before 01.04.2003 and absorbed into regular service after 01.04.2003, will not be entitled to count half of their past service for the purpose of determination of qualifying service for pension.

3. Thus, in line with the findings of the Hon'ble Full Bench, the petitioner's claim cannot be substantiated and thus, the impugned order rejecting the petitioner's claim, cannot be found fault with.

4. Accordingly, the Writ Petition stands dismissed. No costs.

Sd/-
Assistant Registrar(CS II)

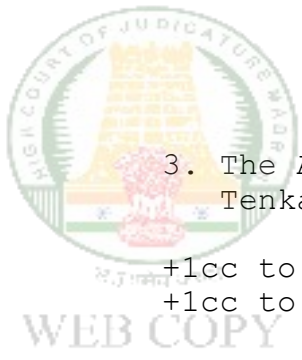
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Sub Assistant Registrar

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To

1. The Secretary to State of Tamil Nadu,
Sericulture Department,
Fort St.George,
Chennai - 9.
2. The Director Sericulture,
Salem.



3. The Assistant Director Sericulture,
Tenkasi.

+1cc to Mr.K.M.Ramesh, Advocate, S.R.No.14542
+1cc to the Government Pleader, S.R.No.15479

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AJB[co]
NSK 23/03/2022