



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.34843 of 2012

G.Ramadoss

Physical Education Director (Retd.)

G.T.R. Higher Secondary School,

Mullakurichy, Rasipuram Taluk,

Namakkal District.

... Petitioner

Vs.

1.Government of Tamil Nadu,

Rep. by the Secretary to Government,

Adi Dravidar and Tribal Welfare Department,

Secretariat, Chennai - 600009.

2.The Commissioner of Adi Dravidar & Tribal Welfare,

Chepauk, Chennai - 600005.

3.The District Adi Dravidar & Tribal Welfare Officer,

Namakkal.

4.The Headmaster,

G.T.R. Higher Secondary School,

Mullukurichy, Rasipuram Taluk,

Namakkal District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents to take into account the services rendered by the petitioner from 04.08.1988 to 07.01.1996 along with his regular service from 04.08.1988 to 07.01.1996 along with his regular service from 21.04.1997 to 31.01.2011 for reckoning the total qualifying service for pension by condoning the break from 08.01.1996 to 20.04.1997, in the light of G.O.Ms.No.60, A.D & T.W. (ADW.7) Department, dated 07.06.2010, and to revise the pensionary benefits of the petitioner on that basis.



WEB COPY

For Petitioner : Mr.M.Ravi

For Respondents: Mr.Veda Bagath Singh [R1 to R3]
Special Government Pleader
M/s.Rajarajeswari [R4]
Government Advocate

ORDER

The petitioner herein was initially appointed as Physical Education Director on contract basis in Adi Dravidar Welfare Higher Secondary School, Singanur, Tindivanam Taluk, Cuddalore District and was ousted from service from 01.01.1996. He was subsequently, regularly appointed as a Physical Education Director by the second respondent herein on 10.04.1997 and retired on reaching the age of superannuation on 31.01.2011. It is the case of the petitioner that while reckoning the total qualifying service for pension, his services between 21.04.1997 to 31.01.2011 alone has been calculated and the earlier service between 04.08.1988 to 01.01.1996, has not been taken into account. Claiming this past service, the present writ petition has been filed.

2. Rule 11 of the Tamil Nadu Pension Rules, defines a qualifying service as the date on which the employee takes charge of the post to which he was appointed either substantively or in a temporary capacity. The Rule also provides that half of the service rendered by the State Government employee under non-pensionable establishment, shall be allowed for the pensionary benefit, along with the regular service under pensionable establishment, subject to certain conditions.

3. Rule 24 states that if there are any interruption in service, the same shall not entail forfeiture of past service, except in cases where the person is removed or re-employed. However, the actual interruption in service shall not be countable for pension.

4. In view of the aforesaid Rules, half of the service of the petitioner on contract basis in Adi Dravidar Welfare Higher Secondary School, Singanur, Tindivanam Taluk, Cuddalore District, between 04.08.1988 to 01.01.1996, requires to be counted.

5. In this connection, the petitioner is granted liberty to make a representation to the first and second respondents, seeking for reckoning half of his past service under Adi Dravidar Welfare Higher Secondary School between 04.08.1988 to 01.01.1996 and on receipt of the same, the first and second



respondents herein shall pass appropriate orders on his representation, within a period of twelve (12) weeks from the date of receipt of the representation.

6. With the above direction, this Writ Petition stands allowed. No costs.

Sd/-
Assistant Registrar (CS-VII)

//True copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government of Tamil Nadu,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai - 600009.
- 2.The Commissioner of Adi Dravidar & Tribal Welfare,
Chepauk, Chennai - 600005.
- 3.The District Adi Dravidar & Tribal Welfare Officer,
Namakkal.
- 4.The Headmaster,
G.T.R. Higher Secondary School,
Mullukurichy, Rasipuram Taluk,
Namakkal District.

+1cc to Mr.M.Ravi, Advocate SR.No.16783

+1cc to Government Pleader SR.No.16705

W.P.No.34843 of 2012

GMR (CO)
GMY (30/03/2022)