



WEB COPY



W.P.No.22533 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2022

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.22533 of 2019

K.Gabriel

... Petitioner

-Vs-

1. State Rep. by
The Secretary,
Higher Education (2) Department,
Secretariat, Fort St. George,
Chennai 600 009.
 2. The Commissioner of Technical Education,
Directorate of Technical Education (Engineering),
Guindy, Chennai 600 025.
 3. The Principal,
Thanthai Periyar Government Engineering College,
Vellore -2.
 4. The Principal,
Thanthai Periyar E.V.Ramasamy Polytechnic College,
Vellore -2.
- ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus, Directing the 1st respondent to count 50 percent of service rendered by the petitioner before regularisation along with the service rendered after regularisation upon his retirement.



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For Petitioner : Mr.M.Elango

For Respondents : Mr.A.Anandan
Government Advocate [for R1 to R3]
: No appearance [for R4]

ORDER

The relief sought in the present writ petition is to direct the first respondent to count 50% of the services rendered by the petitioner for reckoning the qualifying service for grant of pensionary benefits.

2. The petitioner was appointed as a sanitary worker in the 3rd respondent College on 13.08.1993. He was initially appointed on a temporary basis as a daily wage employee and subsequently, his services were regularised with effect from 30.03.2006. Thus, the petitioner became a regular employee from 30.03.2006, and therefore, he was brought under the Contributory Pension Scheme.

3. After 01.04.2003, New Pension Scheme was introduced. Thus, the persons regularised after the cut-off date of 01.04.2003 are not eligible to avail the benefits under the Tamil Nadu Pension Rules, 1978.



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4. When the petitioner was brought under the new pension scheme, namely Contributory Pension Scheme, after his regularisation, the question of considering his case for counting past services under Rule 11 of the Tamil Nadu Pension Rules, 1978, would not arise at all. Thus, the writ petition is devoid of merits and accordingly, stands **dismissed**. However, there shall be no order as to costs.

01.12.2022
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Index : Yes
Speaking order
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To

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S.M.SUBRAMANIAM.J.,

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