IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.25691 of 2019

K.Sankaran ... Petitioner

Vs.

1.The State of Tamil Nadu
rep. by the Secretary to Government
Revenue Department
Secretariat, Fort St. George,
Chennai – 9.

2.The Commissioner / Director of Survey & Settlement
Chepauk, Chennai – 600 005.

3.The Secretary to Government
Department of Commercial Tax
Secretariat, Fort St. George,
Chennai – 9.

4.The Accountant General (A&E)
Teynampet, Chennai – 600 018. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to count the entire temporary services of the petitioner worked in the cadre of Surveyor - cum-Draftsman/ Section Writer for pension purpose and accordingly revise the petitioner's pension and pensionary benefits and to pay the consequential arrears.

For Petitioner	:	Mr.S.Gowri Shankar For Mr.G.Jeremiah
For R1 to R3	:	Mr.T.K.Saravanan Government Advocate
For R4	:	Mrs.J.Sree Vidya

O R D E R

The relief sought for in the present writ petition is to direct the respondents to count the entire temporary services of the petitioner worked in the cadre of Surveyor-cum-Draftsman / Section Writer for pension purpose and accordingly, revise the petitioner's pension and pensionary benefits and to pay the consequential arrears.

2. The petitioner was initially appointed as Section Writer on consolidated pay salary in proceedings dated 20.11.1982. The temporary appointment of the writ petitioner as Junior Assistant cum Typist under Rule 10(A)(1) was subsequently considered and thereafter, the petitioner was absorbed as regular employee and the benefit of regularisation was granted.

Thus, the initial appointment of the writ petitioner to the post of Section Writer was irregular and more so, he was appointed on a consolidated pay salary.

3. Since the petitioner was appointed as a full time consolidated pay salary employee, 50% of the services are to be counted for the purpose of determining the qualifying services for grant of pensionary benefits under Rule 11(4) of the Tamil Nadu Pension Rules, 1978. As per the amended Rule 11(4), the temporary / consolidated pay salary services shall be counted to the extent of 50% for reckoning the qualifying services.

4. Thus, the respondents are directed to verify the Service Records of the writ petitioner and consider his case for counting of 50% of his services for reckoning the qualifying services in accordance with Rule 11(4) of the Tamil Nadu Pension Rules, 1978 and thereafter, settle the benefits. The said exercise is directed to be done within a period of 12 weeks from the date of receipt of a copy of this order.

5. With the above directions, the Writ Petition stands disposed of. No costs.

28.11.2022
(1/2)

Jeni
Index : Yes
Speaking order

To

1.The Secretary to Government
The State of Tamil Nadu
Revenue Department
Secretariat, Fort St. George,
Chennai – 9.

2.The Commissioner / Director of Survey & Settlement
Chepauk, Chennai – 600 005.

3.The Secretary to Government
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4.The Accountant General (A&E)
Teynampet, Chennai – 600 018.

S.M.SUBRAMANIAM, J.

Jeni

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(1/2)