



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2022

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.Nos.34222 & 34219 of 2018

T.L.Narayanan ...Petitioner in W.P.No.34222/2018

A.Benny ...Petitioner in W.P.No.34219/2018

-Vs-

1. The Sate of Tamil Nadu,
Represented by its Secretary,
Revenue Department,
St.George Fort, Chennai - 600 009.
2. The District Collector,
The Nilgiris - District.
3. The Tahsildar,
Gudalur tk, The Nilgiris Dt. ...Respondents in both the Wps

Prayer in both the Writ Petitions: Writ Petitions filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to refix petitioners' pension by considering their entire period of service, i.e. From 01.06.1976 to 31.03.2014 and 01.11.1976 to 30.04.2015 respectively on par with the judgment made in W.P.No.11807 of 2014 by this Court and further direct the respondents to sanction all pensionary benefits to the petitioners.

For Petitioners: M/s.K.Lavan in both the WPs

For Respondents: Mr.C.Selvaraj,
Addl.Govt.Pleader in both the WPs

COMMON ORDER

The petitioners herein were appointed as Thalayari on 01.06.1976 and 01.11.1976 respectively. The petitioners are aggrieved against the non- inclusion of their service period from the date of their initial appointment as Thalayari for the purpose calculating the service period for pensionary benefits.



2. The Government in G.O.Ms.No.408 Finance (Pension) Department dated 25.08.2009 has ordered for calculation of 50% of the service as per the non provincialised service period for the purpose of calculating entire service period for pensionary benefits. This Court in various decisions have also held that insofar as calculating the service period for Talayari are concerned, 50% of the original service period should be taken in to account for calculating the service period for pensionary benefits. In one such decision of this Court, in the case of K.Gopinath vs. State of Tamilnadu and others in W.P.No.11807 of 2014 dated 14.06.2016, such a proposition was laid down. In this background, the petitioner is entitled for the relief he seeks.

3. Accordingly, there shall be a direction to the respondents to re-fix the petitioners' pension by considering 50% of their original service period in the post of "Thalayari" and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order.

4. With the above direction, these Writ Petitions are allowed. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary, Revenue Department,
St. George Fort, Chennai - 600 009.

2. The District Collector,
The Nilgiris - District.

3. The Tahsildar,
Gudalur tk, The Nilgiris Dt.

+2cc to Mr.K.Lavan, Advocate, S.R.No.3648 & 3649

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SPD(CO)
RGA(07/02/2022)