



W.P.(MD)No.9354 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.9354 of 2020

R.R.Jeyanthi

... Petitioner

Vs.

1.The Registrar

Madurai Kamarajar University,
Palkalai Nagar,
Madurai-625021.

2.The Deputy Director of Local Fund Audit

Madurai Kamarajar University,
Palkalai Nagar,
Madurai-625021.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, to direct the respondents to count half of the service rendered by the petitioner as casual Labourer on daily wage basis from 02.01.1985 to 13.11.2005 along with the regular



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service rendered by petitioner as clerk, Assistant, Superintendent and Senior Superintendent from 14.11.2005 till date of petitioner retirement on 31.07.2019 as qualifying service and grant pension under old pension scheme to the petitioner with all consequential monetary benefits.

For Petitioner : Mr.S.Satheesh Kumar

For Respondents : Mrs.K.Chiristy Theboral,
Additional Government Pleader

ORDER

This writ petition has been filed to direct the respondents to count half of the service rendered by the petitioner as casual Labourer on daily wage basis from 02.01.1985 to 13.11.2005 along with the regular service rendered by petitioner as clerk, Assistant, Superintendent and Senior Superintendent from 14.11.2005 till date of petitioner retirement on 31.07.2019 as qualifying service and grant pension under old pension scheme to the petitioner with all consequential monetary benefits.



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2. The learned counsel for the petitioner submitted that the petitioner joined service as Typist in the year 1985 in the respondent University on temporary basis in the NABARD Project under the supervision of one Dr.K.Ramachandran. Subsequently, she worked as Typist in the year 1986 in UGC Research Project under the supervision of Dr.K.Ramachandran and then she was appointed as Stenographer in the Indian Journal of Biology Education under the supervision of Chief Editor and Vice Chancellor in the year 1987 to 1997 in the time scale of Rs.1100-25-1150-30-1600. Later, she joined as Stenographer in the Education Media Research Center Sponsored UGC from 1997 in the time scale of Rs.1200-30-1580-40-2040. After that, she joined as Computer Operator from 1997 to 2005 in Madurai Kamaraj University Evening College as CLR and CPCLR. She had been working without break for more than 20 years, she would have been made permanent staff in spite of the repeated request the respondent University failed to made her permanent, the petitioner service was regularised and appointed as Clerk in the year 14.11.2005. The Syndicate of University at its third Meeting had resolved to include half of the service rendered the University prior to regular



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appointment for the purpose of pensionary benefits. In order to avail such benefits, the petitioner made a representation on 24.01.2020 to calculate the the service rendered by the petitioner prior to his regularization 50% of the services rendered by the petitioner in the University prior to regular appointment should be included for pensionary benefits in terms of Section 11(2) of the Tamil Nadu Pension Rules and hence, the present writ petition is filed.

3. The learned counsel appearing for the petitioner submitted that this Court may issue a direction to the first respondent to consider the petitioner's representation, dated 24.01.2020 and pass appropriate orders within the time limit.

4. Considering the limited request made by the learned counsel for the petitioner, this Court directs the first respondent to consider the petitioner's representation, dated 24.01.2020 and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.



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5. With the above direction, this writ petition is disposed of. No costs.

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Index : Yes / No

Speaking Order : Yes / No

RM

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Madurai Kamarajar University,
Palkalai Nagar, Madurai-625021



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M.DHANDAPANI,J.

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