



W.P(MD)No.12068 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.11.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.12068 of 2020

and

W.M.P.(MD)No.10386 of 2020

S.Muthupetchi

... Petitioner

Vs.

1.The Principal Accountant General (A & E)

Office of the Accountant General of Tamil Nadu,
361, Anna Salai, Teynampet, Chennai-600 018.

2.The Commissioner of Corporation,

Corporation of Madurai,
Madurai-625 002.

3.The Educational Officer,

Madurai Corporation, Madurai-625 002.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the first respondent's proceedings letter number P 22/3/12214789/ADK/739, dated 28.01.2016 and quash the same as illegal and direct the second respondent to send the proceedings of the third respondent in Na.Ka.No.A1/007915/15, dated 12.02.2016 to the first respondent and consequently, direct the respondents to release the petitioner's pension.



WEB COPY



W.P(MD)No.12068 of 2020

For Petitioner : Mr.T.Selvam
For R1 : Mr.P.Gunasekaran
Standing Counsel
For R2 & R3 : Mr.B.Saravanan
Standing Counsel

ORDER

Heard the learned counsel on either side.

2. The writ petitioner was working as part-time sweeper in the Corporation school from 1970 onwards. She was regularised in service with effect from 17.07.1995. She retired from service on 30.04.2002. Now the question that arises for consideration is whether 50% of the service put in by the petitioner prior to her regularisation can be taken into account for the purpose of her pensionable service. The employer namely Madurai Corporation submitted a recommendatory proposal in favour of the petitioner. However, the same was not accepted by the first respondent. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to set aside the impugned order and grant relief as prayed for. His pointed contention is that the petitioner has made out a case by invoking G.O.Ms.No.408, Finance Department dated 25.08.2009.



W.P(MD)No.12068 of 2020

4. I am not able to accept the contention advanced by the petitioner's counsel. This is because, as rightly pointed out by the learned counsel appearing for the first respondent, service put in by the petitioner prior to 17.07.1995 must have been a full-time service. In fact, Clause 1 of G.O.Ms.No. 408, dated 25.08.2009, stipulates that non-regularised service must have been full-time Government service.

5. In this case, even according to the petitioner, she was serving only as a part-time sweeper. That is why, the first respondent was constrained to reject the recommendation of the employer. Even in the regularization order, the petitioner's earlier service upto 16.07.1995 had been described only as a part-time service. Therefore, the impugned order has been rightly passed and the petitioner cannot be granted relief.

6. The Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

15.11.2022

Index : Yes / No
Internet : Yes/ No
rmi



WEB COPY



W.P(MD)No.12068 of 2020

G.R.SWAMINATHAN, J.

rmi

W.P(MD)No.12068 of 2020

15.11.2022