



W.P(MD)No.24001 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.11.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.24001 of 2022

J.Ganaraj Muthiah

... Petitioner

Vs.

1.The Chairman,
Tamilnadu Electricity Board,
No.800 Anna Salai,
Chennai-2.

2.The Superintending Engineer,
Tamil Nadu Electricity Production and Distribution,
Railway Feder Road,
Virudhunagar,
Virudhunagar District.

3.The Accountant General,
Office of the Accountant General,
Teynampet, Chennai-18.

... 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 from 2nd respondent proceedings in க.எண்.247/நிஅ/நிமே/நிபி/உ.3 கோ.PPO No.72809/2022-2, dated 11.10.2022, quash the same and consequently direct the respondents to count 50% service period from 16.08.1969 to 07.08.1973 along with his regular service and revise the pension and disburse all benefits.



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For Petitioner : Mr.J.Gunaseelanmuthiah

For R1 & R2 : Mr.S.Arivalagan
Standing Counsel

For R3 : Mr.P.Gunasekaran
Standing Counsel

ORDER

Heard the learned counsel on either side.

2. The writ petitioner joined TNEB as Casual Labour in the year 1969. His service was regularised in the year 1973. He retired in the year 2002. The petitioner did not feel aggrieved by the pensionary fixation. However, he woke up after the Full Bench of the Madras High Court rendered the Judgment in ***Government of Tamil Nadu Vs. R.Kaliyamoorthy (2019 6 CTC 705)***. The Hon'ble Full Bench had held that in case, a government employee / servant had also rendered service in non-provincialised service, or on consolidated pay or on honorarium or daily wage basis and if such services were regularised before 01.04.2003, half of such service rendered shall be counted for the purpose of conferment of pensionary benefits.

3. According to the petitioner, half of the service rendered by him as casual labour must be taken into account.



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4. The learned standing counsel responded to the aforesaid contention by pointing out that the writ petition is patently hit by laches and that since the petitioner is getting full pension already, adding half of the service rendered by the petitioner as Casual Labour is not going to make any difference.

5. After carefully considering the aforesaid contention, I dispose of the writ petition in the following manner:-

(I) The employer is directed to include half of the service put in by the petitioner as Casual Labour during 1969 to 1973.

(II) It is for the employer to take a call as to whether this will make any difference or not. If such benefits are payable, the same will be given effect to only from the date of this order and the petitioner will not be entitled to any arrears.

6. The Writ Petition is disposed of on these terms. No costs.

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Index : Yes / No
Internet : Yes/ No
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