



WP.No.29991 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 23.01.2023

Coram:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. No.29991 of 2012

C.Chellappa Gounder
S/o Chellappa Gounder

... Petitioner

Vs.

1.The Controller
Tamilnadu Agricultural University
Coimbatore – 3.

2.The Dean
Tamilnadu Agricultural University
Coimbatore – 3.

3.Professor and Head
Department of Agronomy, Eastern Block
Tamilnadu Agricultural University
Coimbatore – 3.

4.The Registrar
Tamilnadu Agricultural University
Coimbatore – 3.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records pursuant to the order of the 1st respondent in No.P(2)/4037/2009 dated



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14.09.2010 and the consequential order dated 08.05.2012 on the file of the 4th respondent in No.ALO/Misc/2012 quash the same and consequently direct the 4th respondent to extend the pensionary benefits to the petitioner based upon the G.O.408 dated 25.08.2009, with due arrears along with interest from the date of his superannuation, i.e., on 30.06.2004.

For Petitioner : Mr.S.Saravanan
For Respondents : Mr.M.Vijayamehanath
for RR1 to 3
Mr.Abdul Saleem for R4

ORDER

This Writ Petition has been filed to call for the records pursuant to the order of the 1st respondent in No.P(2)/4037/2009 dated 14.09.2010 and the consequential order dated 08.05.2012 on the file of the 4th respondent in No.ALO/Misc/2012 quash the same and consequently direct the 4th respondent to extend the pensionary benefits to the petitioner based upon the G.O.408 dated 25.08.2009, with due arrears along with interest from the date of his superannuation, i.e., on 30.06.2004.

2. According to the petitioner, 4th respondent / the Registrar of Tamil Nadu Agricultural University, Coimbatore, has passed the impugned order



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stating that G.O.Ms.No.408, Finance (Pension) Department, dated 25.08.2009 is not applicable to the employees of the respondents University.

Challenging the aforesaid order, the Petitioner has filed the present Writ Petition before this Court.

3. The learned counsel appearing for the 4th respondent brought to the notice of this Court order, dated 26.08.2014, made in WP(MD).No.10722 of 2011 dated 26.08.2014, wherein, at paragraph Nos. 4 to 6, it has been held as follows:

“4.It is submitted by the learned counsel for the petitioner that the Registrar of the respondent University by his proceedings in No.R2/BM-CA-141/2010, dated 30.08.2010 has stated that G.O.Ms.No.408 Finance (Pension) Department, dated 25.08.2009 is not applicable to the employees of the respondent University, but, at the same time, seeking financial assistance from the Government to pay pension to those employees, who are deprived of pension, because, half of the service rendered on temporary basis, has not been taken into account, should be submitted to the Government for financial



assistance. Referring to the same, the learned counsel for the respondents submitted that in the event the Government decides to extent the benefit of G.O.Ms.No. 408 Finance (Pension) Department, dated 25.08.2009 to the employees of the respondent University, the same may be given to the petitioner as well. 5.The learned counsel for the petitioner submitted that the said proposal is only in respect of temporary employees and not for Mazdoor. In my considered opinion, this issue need not be gone into this Writ petition. There is no controversy before this Court that G.O.Ms.No.408 Finance (Pension) Department, dated 25.08.2009 is not applicable to the employees of the Tamil Nadu Agricultural University. In such view of the matter, the relief sought for by the petitioner cannot be granted. However, the University may take steps to submit a proposal to the Government to give the benefit of G.O.Ms.No.408 Finance (Pension) Department, dated 25.08.2009 to the Mazdoors. However, it is for the University to consider the same. In this Writ petition, I only say that as of now the Writ petition deserves to be dismissed as G.O.Ms.No.408 Finance (Pension) Department, dated



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25.08.2009 is not applicable to the employees of the respondent University.”

4.I have heard the learned counsel appearing on either side and perused the materials available on record.

5.By accepting the submission made by the learned counsel appearing for the 4th respondent / University as well as the order passed by this Court in WP(MD).No.10722 of 2012, this Writ Petition is dismissed. It is open to the petitioner to work out his remedy before the Government, if he so advised. No costs. Consequently, connected Miscellaneous Petition is closed.

23.01.2023

Index:Yes/No
Internet:Yes/No
Speaking Order: Yes/No
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