



W.P.No.31543 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.09.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.31543 of 2012

K.Essaki

... Petitioner

Vs.

1.State of Tamilnadu
rep. By Secretary,
Sericulture Department,
Fort St.George,
Chennai

2.The Director,
Sericulture Department,
Salem

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Mandamus directing the respondents to count the temporary service rendered by the petitioner from 15.04.1980 to 22.02.2010 along with regular service for the purpose of calculating pension and other terminal benefits and pay all pension, arrears of pension and other terminal benefits to the petitioner.

For Petitioner : No appearance

For Respondents : Mr.L.S.M.Hasan Fizal,
Additional Government Pleader



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ORDER

This writ petition has been filed for direction to the respondents to count the temporary services rendered by the petitioner from 15.04.1980 to 22.02.2010 along with regular service for the purpose of calculating pension and other terminal benefits.

2. Heard, the learned Additional Government Pleader appearing for the respondents.

3. The petitioner is a retired Farm Worker in Sericulture Farm, Tenkasi, Tirunelveli District. Initially, the petitioner was appointed as daily rated employee in the Sericulture Farm, Shenkottai, Tirunelveli District on 15.04.1980. Though he had completed more than 30 years of service, his service was not regularised and as such he made representation. Thereafter, his services were regularised and made permanent from 23.02.2010 by order dated 28.04.2010. However, his temporary service was not taken into consideration for all purposes.



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4. On perusal of the counter filed by the respondents revealed that as per G.O.Ms.No.22 P&AR Department dated 28.02.2006, the Government had directed that the services of the daily wages employees working in all Government Departments, who have rendered 10 years of service as on 01.01.2006 be regularised by appointing them in time scale of pay of the post in accordance with the service conditions. Accordingly, the petitioner's service was regularised and made him permanent from 23.02.2010. The question of regularising the petitioner's service by counting his temporary service doesn't arise. Further as per GO.No.259, Finance(Pension) Department dated 06.08.2003, the Government had introduced new Contributory Pension Scheme, which will apply to all employees who are recruited on or after 01.04.2003. The services of the petitioner was regularised by GO.(Rt)No.25 HHT&K Department dated 23.02.2010 and brought into time scale of pay only from 23.02.2010. Therefore, the petitioner is not entitled to claim pension and other terminal benefits under the regular pension scheme. Hence, the request made by the petitioner cannot be sustained and the writ petition is devoid of merits.



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5. Accordingly, this writ petition is dismissed. There shall be no order as to costs.

07.09.2023
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Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
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To

1. Secretary,
State of Tamilnadu
Sericulture Department,
Fort St. George,
Chennai
2. The Director,
Sericulture Department,
Salem
3. The Government Advocate,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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