



WP.No.20221 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

WP.No.20221 of 2023

G.Jeelandran

...Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Animal Husbandry Department, Dairying, Fisheries
and Fishermen Welfare Department,
Fort St. George,
Chennai 600 009.
2. The Director,
Animal Husbandry and Veterinary Sciences,
Nandanam,
Chennai 600 035.

...Respondents

Prayer:- This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus calling for records relating in ROC.No.42902/Tapco/2005, dated 19.09.2020 on the file of the 1st respondent herein and quash the same and consequently direct the respondents to regularise the service of the petitioner and pay monthly pension to the petitioner and other benefits.

For Petitioner	: Mr.S.Sairaman
For Respondents	: Mr.S.Arumugham



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WP.No.20221 of 2023

ORDER

The Writ Petition is filed challenging the impugned order rejecting the petitioner's claim of pensionary benefits.

2. The petitioner originally worked as Junior Mazdoor from 09.03.1981 in Tamil Nadu Poultry Development Corporation (TAPCO). On the allegation of misappropriation of funds, he was dismissed from service on 22.05.1987. Thereafter, the same was challenged before the Principal Labour Court, Chennai in Industrial Dispute No.1002 of 1992 and the Labour Court by order dated 29.04.1997 set aside the punishment of dismissal with a direction to reinstate the petitioner in service with continuity of service, full backwages and all other attendant benefits. The same was challenged by the Managing Director of the Tamil Nadu Poultry Development Corporation Limited before this Court in WP.No.16197 of 1997 and this Court by order dated 26.07.2022 confirmed the award of reinstatement with 75% backwages.

3. In the meanwhile, it appears that the Tamil Nadu Poultry Development Corporation was wound up by G.O.Ms.No.86, Animal



WP.No.20221 of 2023

Husbandry and Fisheries Department dated 19.04.1999. Subsequently, the Managing Director of Tamil Nadu Poultry Development Corporation addressed a letter, dated 19.04.2007 to the Secretary to the Government to observe the Writ Petitioner in the Animal Husbandry Department like other ex-employees of TAPCO, vide G.O.Ms.No.91, Animal Husbandry Dairying and Fisheries (Poultry) Department, dated 06.06.2000. Thereafter, the Government vide G.O.Ms.No.172 Animal Husbandry Dairying and Fisheries (Poultry) Department, dated 22.11.2016 sanctioned backwages payable to the petitioner.

4. Subsequently, the petitioner filed a Writ Petition in WP.No.9539 of 2018 seeking direction to consider his representation with regard to the pension and other benefits. The respondent Department considered the said representation of the petitioner and passed the impugned order.

5. When the dismissal of the petitioner is set aside and reinstatement was confirmed by this Court in WP.No.16197 of 1997, merely because of his over age and not entitled for reinstatement, cannot be a ground to deny pensionary benefits. When the petitioner's service



WP.No.20221 of 2023

has been regularised by the order of this Court and reinstatement has been granted, all his benefits including the pensionary benefits, which the petitioner is entitled, cannot be denied by way of the impugned order. Therefore, the very impugned order to the effect that the petitioner is not entitled for pensionary benefits as he was not observed and terminated before the closure of Tamil Nadu Poultry Development Corporation, is not sustainable in the eye of law. As the employees in the Tamil Nadu Poultry Development Corporation were observed by Animal Husbandry Department by G.O.Ms.No.91, dated 06.06.2000, the petitioner, who was also working in Tamil Nadu Poultry Development Corporation, ought to have been observed. Despite sanctioning of backwages by this Court, it cannot be stated that he is not entitled to pension. Accordingly, the order impugned in this Writ Petition is set aside. The respondent shall regularise the service of the petitioner and pay the pension and other monetary benefits within a period of three months from the date of receipt of a copy of this order. Accordingly, this Writ Petition is allowed. No costs.

07.08.2023

Index : Yes/No
pvs



WP.No.20221 of 2023

WEB COPY

- To
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