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WP.No.3366/2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.07.2023

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

WP.No.3366/2017

G.Ramaiah

... Petitioner

Versus

1.State of Tamil Nadu

represented by its Chief Secretary,
Animal Husbandry Department,
Secretariat, St.Fort George
Chennai 600 009.

2.The Director of Animal Husbandry
Chennai 600 006.

3.The Assistant Director of Animal Husbandry
Erode.

4.The Principal Accountant General
[Accounts&Entitlements], No.361
Anna Salai, Chennai 600 018.

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records pertaining to the communication dated 17.06.2014 made in



WP.No.3366/2017

Pa.Mu.No.271/Aa/2013 of the 3rd respondent and to quash the same by and consequently direct the respondents to grant pensionary benefits to the petitioner.

For Petitioner	:	Mr.T.Dhanasekaran
For RR 1 to 3	:	Mr.S.Ravikumar, Spl.GP
For R4	:	Mr.J.Sreevidhya, Standing counsel

ORDER

- (1) The writ petition has been filed in the nature of certiorarified mandamus to call for the records of the communication dated 17.06.2014 in Pa.Mu.No.271/Aa/2013 of the 3rd respondent, Assistant Director, Animal Husbandry of Erode and quash the same and direct the respondents to grant pensionary benefits to the petitioner.
- (2) The petitioner was employed in the year 1978 as daily wages in the Department of Animal Husbandry and he was appointed to the temporary post by an order dated 12.09.2000 in Na.Ka.No.119/A1/2000. Thereafter, the services were regularised on 28.08.2008 by G.O.Ms.No.117, Animal Husbandry, Dairying and



WP.No.3366/2017

WEB COPY

Fisheries Department. The petitioner retired from service on attaining the age of superannuation on 30.06.2011. The petitioner seeks interference with the order of the 3rd respondent, by which the petitioner was denied grant of pensionary benefits.

- (3) It had been stated in the order which is now impugned before this Court that the petitioner could be considered as being in regular employment only with effect from 27.08.2008 and since he had retired on 30.06.2011, the number of years of service which can be taken for calculating pension is 2 years 10 months and 3 days. The minimum number of years for calculating the pension is 10 years.
- (4) Learned counsel for the petitioner drew attention of this Court to G.O.Ms.No.117 dated 28.08.2008, wherein, 163 Animal Husbandry Assistants had been regularised from the date of issue of that particular order alone. This was passed consequent to an earlier direction given by this Court in WP.No.24615/2006 dated 03.08.2006 and consequent to filing of Contempt Petition in Cont.P.No.625/2008.
- (5) In the said G.O.Ms.No.117 dated 28.08.2008, it had been specifically stated that the annual increment will be sanctioned only on



WP.No.3366/2017

WEB COPY

completion of one year from the date of regularisation which will be the date of Government Order. As a matter of fact, it had been further stated that necessary disciplinary proceedings should be initiated against those who had been responsible for the appointment of 163 casual labourers without Government Orders.

- (6) The petitioner falls in that category of 163 casual labourers. His initial appointment was as daily wage. An enquiry had been directed to be conducted relating to such appointment. Even though the petitioner had been appointed to regular time scale with effect from 30.09.2000, his services were regularised only from 28.08.2008.
- (7) Learned Special Government Pleader appearing on behalf of respondents 1 to 3 pointed out this particular fact and stated that the petitioner is eligible for pensionary benefit only if he had put in 10 years of service on regular basis after regularisation. He also pointed out that the petitioner had put in only 2 years 10 months and 3 days alone and consequently, he is not eligible for pensions. He further pointed out that since regularisation is after 01.04.2003, which is the cut off date, the request of the petitioner cannot be considered.



WP.No.3366/2017

WEB COPY

(8) These are facts which can neither be denied nor disputed. Though the petitioner had been brought into regular time scale with effect from 30.09.2000, it was only on temporary basis and he was regularised only by way of G.O.Ms.No.117, Animal Husbandry, Dairying and Fisheries Department, dated 28.08.2008. The petitioner had retired on attaining the age of superannuation on 30.06.2011. His period of regular service has to be computed as 2 years 10 months and 3 days. He has not completed the minimum period of ten years. Therefore, this Court finds no irregularity in the impugned order, which has negatived the contention of the petitioner seeking pensionary benefits.

(9) In the result, writ petition stands **dismissed**. No costs.

13.07.2023

AP

Internet : Yes



WP.No.3366/2017

To

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Animal Husbandry Department,
Secretariat, St.Fort George
Chennai 600 009.
- 2.The Director of Animal Husbandry
Chennai 600 006.
- 3.The Assistant Director of Animal Husbandry
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- 4.The Principal Accountant General
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WEB COPY



WP.No.3366/2017

C.V.KARTHIKEYAN, J.,

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WP.No.3366/2017

13.07.2023