



WEB COPY



W.P.No.2319 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2024

CORAM:

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

W.P.No.2319 of 2022

C.Jayaraman

...Petitioner

-Vs-

1.The Government of Tamil Nadu,
Rep. by the Secretary to Govt.,
Finance Department
Fort St. George,
Chennai – 6.

2.The Accountant General (Pension),
361, Annasali
Chennai-18

3.The Director of School Education
DPI Complex, College Road
Chennai – 6.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent to calculate half of the service rendered on consolidated pay from 09.11.1983 to 31.05.1995 along with regular service for counting qualifying service and grant revised terminal and pension benefits along with arrears as per G.O.No.41 Finance (Pension) Department dated 09.02.2010 and in the light of the order dated 10.02.2020 made in W.P.(MD).No.22332/2017 & batch of cases.



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For Petitioner : M/s.T.Aananthi
For R1 : Mr.U.M.Ravichandran
Special Government Pleader
For R3 : Mrs.S.Mythreye Chandru
Special Government Pleader.

ORDER

This Writ Petition has been filed for a direction directing the respondents to calculate his half of the service rendered on consolidated salary from 09.11.1983 to 31.05.1995 along with regular service for counting qualifying service and grant revised terminal and pension benefits along with arrears.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner had served as Village Assistant on full time basis from 09.11.1983 to 31.05.1995 under consolidated salary. Thereafter, his service was regularised and he worked till 05.10.1996. He was relieved from the said service and joined as Teacher from 07.10.1996. Thereafter, he retired from service on 30.11.2013. As per G.O.Ms.No.408, Finance Department, dated 25.08.2009 and G.O.No.41, Finance (Pension), dated 09.02.2010, half of



the service rendered in consolidated pay basis and subsequently absorbed in regular service without any break before 15.04.2003 be counted for retirement benefits along with regular service. However, the service rendered by the petitioner from 31.05.1995, a period of 11 years 6 months and 22 days was not counted for his retirement benefits. Therefore, the petitioner submitted a representation.

4. The learned counsel appearing for the petitioner also relied upon the Judgment of the Hon'ble Madurai Bench of this Court in a batch of writ petitions in W.P.(MD) Nos.22332 etc batch, dated 10.02.2020, wherein this Court ordered to count 50% of the petitioners' service from the date of their initial appointment along with regular service put in by them as Village Assistant.

5. A perusal of the counter filed by the respondents reveals that the petitioner failed to implead the Revenue Officials as respondent in order to get service details of the petitioner rendered in the Revenue Department from 09.11.1983 to 31.05.1995. Therefore, the representation submitted by the petitioner was not considered so far. He failed to claim any benefit for the service rendered by him from 09.11.1983 to 31.05.1995, immediately, after his



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retirement on 30.11.2013. The petitioner submitted a representation only in the year 2021.

6. In view of the above, the petitioner is directed to submit a fresh application along with all service details from the Revenue Department, in which he rendered service from 09.11.1983 to 31.05.1995 for considering his 50% of the said service for his terminal and pension benefits as per the G.O.No.41, Finance (Pension) Department, dated 09.02.2010, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the respondents are directed to consider the same and pass appropriate orders on merits and in accordance with law, within a period of eight weeks thereafter.

7. With the above direction, this Writ Petition stands disposed of.

No costs.

27.02.2024
(1/2)

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No
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To

1. The Secretary to Government,
Government of Tamil Nadu,
Finance Department
Fort St. George,
Chennai – 6.
2. The Accountant General (Pension),
361, Annasali
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3. The Director of School Education
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G.K.ILANTHIRAIYAN. J.

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