



WEB COPY



WP.No.41090 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:20.11.2024

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.41090 of 2015

and M.P.No.1 of 2015

TamilNadu Public Works Department,
Employees Welfare Association(Recognized
vide G.O.No.625 dated 3.6.1924)

Rep. By Thiru T.Santhanagopal,
PWD Campus, Chepauk, Chennai-5

...Petitioner

Vs.

- 1.The State of Tamilnadu rep. By
The Secretary,
Public Works Department,
Fort. St. George Chennai-600009
- 2.The Chief Engineer (General) and
Engineer-in-Chief (Buildings)
Public Works Department,
Chepauk, Chennai-600 005

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of



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India, praying for issuance of writ of Certiorarified Mandamus, directing to call for the records relating to the order of 2nd respondent in letter No.S.4(4)/35252/2001 dated 12.05.2014, to quash the same and to consequently direct the respondents to take into account the entire period of service rendered by the petitioner as nominal muster roll employees/ casual labourer prior to the regularisation for the purpose of counting qualifying services for computation of pension under Rule 3(O) of the Pension Rules and as held in writ appeal No.1248/2011 dated 27.11.2012 forthwith thereto.

For Petitioners : Mr.L.Chandrakumar

For Respondents : Mr.P.Kumaresan

Additional Advocate General

Assisted by Mr.Vadivelu Deenadayalan

Additional Government Pleader

for R1 & R2

ORDER

Heard Mr.L.Chandrakumar, learned counsel for the petitioner and Mr.P.Kumaresan, learned Additional Advocate General for the respondents leading the matter. After hearing the matter for quite some time, it is emerged that the petitioner's Association is claiming the benefit exteded under G.O.Ms.No.408, Finance (Pension Department), dated 25.08.2009 for counting the temporary service rendered by the members



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of the petitioner's Association as qualifying service for the purpose of pension and other benefits. As per the impugned order dated 12.05.2014, it is stated that the benefit under GO.Ms.No.408, dated 25.08.2009, has been granted. However, the learned counsel for the petitioner disputes the same on the ground that such benefit was not fully extended to members of the petitioner's Association.

2. In the light of the above, this issue cannot be decided in the absence of a factual matrix regarding the eligibility of individuals being placed before this Court. Hence, this Court is of the considered view that it is appropriate to relegate the aggrieved individuals, who are stated to be members of the petitioner's Association to the respondents 1 to 2 to place the factual matrix in support of their claim for extending the benefit under G.O.Ms.No.408 dated 25.08.2009.

3. As it is the case of the respondents that the benefits of G.O.Ms.No.408 dated 25.08.2009 have already been extended to the eligible individuals, the members of the petitioner's Association are granted liberty to make appropriate representation to the respondents



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within a period of two weeks from the date of receipt of a copy of this order and on submission of such representations, the respondents shall consider the said representation and in case if they are found eligible, extend such benefits under G.O.Ms.No.408 dated 25.08.2009, by passing appropriate consequential order within a further period of eight weeks from the date of submission of the representation.

4. Accordingly, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

20.11.2024

vsn



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To

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