



W.P.No.11638 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 10.01.2024

Coram:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.11638 of 2021

V.Jaganathan.

... Petitioner

-vs-

1. The State of Tamil Nadu,
Rep. By Secretary to Government,
Labour Department,
Secretariat, Chennai – 600 009.
2. The Commissioner of Labour,
Labour Department,
DMS Campus, Anna Salai,
Teynampet, Chennai – 600 006.
3. The Deputy Commissioner of Labour,
Labour Department, DMS Campus, Anna Salai,
Teynampet, Chennai – 600 006.
4. The Assistant Commissioner of Labour,
Labour Department, DMS Campus, Anna Salai,
Teynampet, Chennai – 600 006.
5. The Inspector of Labour,
Labour Department,
Labour Office, Krishnagiri.

... Respondents



W.P.No.11638 of 2021

Prayer: Writ Petition has been filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to regularize the service between the period 08.01.1987 to 21.08.1990 and consequently pay all monetary service benefits for the period 08.01.1987 to 21.08.1990 by considering the petitioner's representation dated 22.03.2021 and pass orders.

For Petitioner : Ms.A.Anusuya

For Respondents : Mr.T.Rajendran, AGP

ORDER

The petitioner has filed this writ petition seeking a direction to the respondents to include the period between 08.01.1987 and 21.08.1990 for counting the number of years of eligible service for the purpose of granting pension.

2. Heard Ms.A.Anusuya, the learned counsel appearing for the petitioner and Mr.T.Rajendran, the learned Additional Government Pleader appearing for the respondents.



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W.P.No.11638 of 2021

3. The learned counsel appearing for the petitioner submitted that the petitioner had joined service on 08.01.1987 and he has been promoted to the post of Office Assistant on 22.08.1990 and his service got regularised in the post of Office Assistant. The claim of the petitioner is that earlier service between 08.01.1987 and 21.08.1990 ought to have been included in the qualifying service as per G.O.Ms.No.408, Finance (Pension) Dept. dated 25.08.2009. In this regard, the petitioner has given a representation to the fourth respondent and the fourth respondent has also issued a proceedings in W.P.No.390/2021 dated 10.08.2021 by stating that the petitioner will be covered under G.O.Ms.No.408, Finance (Pension) Department, dated 25.08.2009.

4. Since the petitioner has continued his service and he was a full time employee, he is entitled to get the benefit under G.O.Ms.No.408, dated 25.08.2009. Despite the proceedings have been initiated by the fourth respondent, the same was not implemented so far by the Government respondents. Since the proceedings have already been issued in this regard as stated above, the respondents should consider the representation of the petitioner dated 22.03.2021 and pass appropriate orders.



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W.P.No.11638 of 2021

5. In the result, this Writ Petition is disposed and the respondents are directed to consider the representation of the petitioner dated 22.03.2021 and pass an appropriate orders for sanctioning pension by including the service of the petitioner rendered between 08.01.1987 and 21.08.1990, within a period of six weeks from the date of receipt of a copy of this order.

No costs.

10.01.2024

Index:yes/no

Neutral Citation:yes/no

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To:

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W.P.No.11638 of 2021

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5. The Inspector of Labour,
Labour Department,
Labour Office, Krishnagiri.



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W.P.No.11638 of 2021

R.N.MANJULA,J.
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W.P.No.11638 of 2021

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