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W.P.No.21270 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2024

CORAM:

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

W.P.No.21270 of 2024

and

W.M.P. Nos. 23236 and 23238 of 2024

P.Mani

... Petitioner

-Vs-

1. The Managing Director,
Tamil Nadu State Marketing Corporation Ltd.,
CMDA Tower-II,
4th Floor, Egmore,
Chennai – 600 008.
2. The Senior Regional Manager,
TASMAC Limited,
305A, Vilankurichi Road, Peelamedu,
Railway Station backside,
Cintamani Cooperative Shop,
Coimbatore District.
3. The District Manager,
Tamil Nadu State Marketing Corporation Ltd.,
Angaripalayam Road,
Tiruppur District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records in connection with the impugned order passed by the third respondent in Na. Ka. No. 391/2023/A1 dated 16.07.2024 quash the same as illegal and consequently directing the first to third respondents herein to extend the date of superannuation of the petitioner from 58 to 60 years of age (16.07.2026) as per G.O. (Ms) No. 29, Personnel and Administrative Reforms (S) Department, dated 25.02.2021 and confer all monetary benefits till 16.07.2026.

For Petitioner : Mr.P.M. Jayachandran

For Respondents : Mr.K.Balakrishnan
Standing Counsel

ORDER

This Writ Petition has been filed challenging the order dated 16.07.2024 passed by the third respondent, thereby relieved the petitioner from service on attainment of superannuation.

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



W.P.No.21270 of 2024

WEB COPY

3. The petitioner was appointed as Bar Supervisor in the respondent Corporation, on 01.02.2004, on temporary basis and also on consolidated salary. After attaining the age of 58, he was relieved from service by an order dated 16.07.2024.

4. The learned counsel for the petitioner submitted that the Government of Tamil Nadu passed an order in G.O.(Ms)No.29, Personnel and Administrative Reforms (S) Department, dated 25.02.2021, thereby extended the age of superannuation from 59 to 60. By way of another G.O.Ms.No.51, Personnel and Administrative Reforms (S) Department, dated 07.05.2020, the age of superannuation was extended from 58 to 59. The petitioner, being an employee of the respondents is also entitled to serve till the age of 60.

5. On instructions, the learned Standing counsel appearing for the respondents submitted that the petitioner was appointed temporarily as Assistant Salesman and also on consolidated salary. Therefore, G.O.(Ms)No.29, Personnel and Administrative Reforms (S) Department,



W.P.No.21270 of 2024

dated 25.02.2021 is not applicable to the case of the petitioner. It is applicable only to the employees of the Government and Government Aided Educational Institutions, Legal and Constitutional Bodies, Public Sector undertakings, Local Bodies, Commissions, Boards and Societies.

6. In view of the above, this Court finds no infirmity or illegality in the order passed by the third respondent and the writ petition is devoid of merits and is liable to be dismissed. Accordingly, this writ petition stands dismissed. Consequently, connected Miscellaneous petitions are closed. No costs.

29.07.2024

Internet: Yes
Index : Yes/No
Neutral Citation: Yes/No
Speaking/Non Speaking order
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WEB COPY

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G.K.ILANTHIRAIYAN. J.

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