



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.32304 of 2024

S.Sumathi

... Petitioner

Vs.

1.The Principal Secretary to Government,
Handloom, Handicraft, Textile & Khadi (G2) Department,
Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai – 600 009.

2.The Director,
Department of Sericulture,
Nethaji Nagar,
Hasthampatti, Salem – 7,
Salem District.

3.The Assistant Director,
Department of Sericulture,
Dharmapuri,
Dharmapuri District.

4.The Accountant General of Tamil Nadu,
Office of the Accountant General,
Anna Salai,
Teynampet,
Chennai – 18.

... Respondents



Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing Respondents 1 to 3 to regularize the service of petitioner as Junior Inspector from the date on which similarly placed employee viz, Chitra and Shanthi who were appointed as Junior Inspector on 31.08.1996 for the purpose of getting pension in the light of the Hon'ble Supreme Court Judgment reported in (2019) 10 SCC 516 and confer all consequential pensionary benefits from the date of her retirement by sending the proposal to the 4th respondent for granting pension with all consequential monetary benefits.

For Petitioners : Mr.M.R.Jothimanian

For Respondents : Mr.P.Balathandayutham
Special Government Pleader
for R1 to R3
Mrs.J.Sreevidya
Standing Counsel for R4

ORDER

This writ petition has been filed for issue of writ of mandamus directing the respondents to regularize the services of the petitioner as Junior Inspector from the date on which similarly placed employees were appointed as Junior Inspectors for the purpose of getting pension and for all other consequential benefits from the date of retirement.



2.Heard Mr.M.R.Jothimanian, learned counsel appearing on behalf of the petitioner, Mr.P.Balathandayutham, learned Special Government Pleader appearing on behalf of respondents 1 to 3 and Mrs.J.Sreevidya, learned Standing Counsel appearing on behalf of the 4th respondent.

3.The case of the petitioner is that she was appointed as an Extension Worker in the year 1984. Thereafter, she was promoted as a Supervisor in the year 1988 by the 2nd respondent. The petitioner got her further promotion as a Junior Inspector in the year 2012 and thereafter, got the promotion as Assistant Inspector of Sericulture through proceedings of the 2nd respondent dated 31.05.2024. The petitioner attained the age of superannuation on 30.06.2024 and retired from service.

4.The grievance of the petitioner is that she did not get any pensionary benefits and that her promotion to the post of Assistant Inspector of Sericulture was denied by the 2nd respondent initially. The petitioner approached this Court and filed W.P.No.28811 of 2018. The writ petition was allowed by an order dated 31.10.2023 and only pursuant to that order, the petitioner was promoted as



Assistant Inspector of Sericulture w.e.f. 31.05.2024. According to the petitioner, the similarly placed employees who were appointed along with the petitioner in the year 1984 have been extended the benefit of pension. The petitioner wanted the same benefit to be extended in her favour also. The petitioner did not get the pension benefits even though she rendered services for nearly 40 years because the regularization had taken place only in the year 2003. The petitioner has come up with a case that the other similarly placed employees appointed along with the petitioner were regularized before 01.04.2003 and therefore, they got the pension benefits. According to the petitioner, the delay in regularization of her services cannot deprive her of the right to be given pension on par with those employees who joined along with the petitioner. The representation given by the petitioner in this regard did not evoke any response. It is under these circumstances, the present writ petition came to be filed before before this Court.

5. Taking into consideration the facts and circumstances of the case and also the nature of grievance expressed by the petitioner and a similar order that was passed by this Court in a batch of cases in W.P.No.19406 of 2023 etc., dated 07.08.2023 and the order passed in O.A.No.7164 of 1996, dated 12.12.1996, there



shall be a direction to the 2nd respondent to deal with the representation made by the petitioner on 02.08.2024 and take a decision, within a period of eight weeks from the date of receipt of copy of this order.

6.The petitioner is directed to make a fresh representation to the 2nd respondent along with all the relevant documents and also a copy of this order.

7.This writ petition is disposed of with the above directions. No Costs.

29.10.2024

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
ssr

To

1.The Principal Secretary to Government,
Handloom, Handicraft, Textile & Khadi (G2) Department,
Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai – 600 009.



WEB COPY



N. ANAND VENKATESH, J.

SSR

2. The Director,
Department of Sericulture,
Nethaji Nagar,
Hasthampatti, Salem – 7,
Salem District.
3. The Assistant Director,
Department of Sericulture,
Dharmapuri,
Dharmapuri District.
4. The Accountant General of Tamil Nadu,
Office of the Accountant General,
Anna Salai,
Teynampet,
Chennai – 18

W.P.No.32304 of 2024

29.10.2024