



W.P.No.31628 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.31628 of 2023

S.Padmanaban

.. Petitioner

Vs.

The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Salai,
Chennai – 600 003.

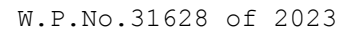
.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records in respect of impugned letter No: 87/Pa.thu – EA1/2020 dated 28.09.2021 and Letter No: 87 / Pa.Thu – EA1/2020 dated 27.09.2023 and quash the same and direct the respondent to issue Service Certificate for 01.03.1993 – 02.07.1995.

For petitioner : Mr.P.Wesley Isaac
For Respondent : Ms.G.Hema
Standing Counsel

ORDER

This writ petition has been filed challenging the impugned letter
No: 87/Pa.thu – EA1/2020 dated 28.09.2021 and letter No: 87 / Pa.Thu –



2. The case of the petitioner is that he was working as a Section Officer from 10.02.1992 to 08.04.1997 on a temporary basis with the Government of Karnataka. Thereafter, the petitioner passed Group-IV and joined the Government of Karnataka as Junior Assistant and ultimately, he retired when he was holding the post of Deputy Block Development Officer.

3.The petitioner in order to get pensionary benefits, requested the respondent for granting service certificate from 1992 to 1997. This was done in order to take advantage of G.O.Ms.No.77 dated 12.07.2013, which provided for taking 50% of the temporary service for the purpose of calculating the entire period for pensionary benefits.

4.The respondent through Letter dated 28.09.2021 granted service certificate to the petitioner for the period from 1995 to 1997. However, the respondent was not in a position to give the service certificate for the



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period from 1992 to 1995 since the records were not available.

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5.The petitioner made a fresh representation to the respondent seeking for service certificate for the period from 01.03.1993 to 02.07.1995. When the same was not considered, the petitioner filed W.P.No.19183 of 2023 before this court. In the mean time, the impugned rejection order dated 27.09.2023 came to be passed. In the said order, it was informed that for the period from 01.03.1993 to 02.07.1995, the respondent is not in a position to give any service certificate and the request of the petitioner was declined.

6.The petitioner aggrieved by the rejection order has filed the present writ petition before this Court.

7.The respondent has filed a counter affidavit. The respondent has taken a stand that there are records only to show that the petitioner was working only for the period from 1995 to 1997 and there were no attendance register or any other records available to show that the petitioner had in fact worked during the period from 1993 to 1995. The



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respondent had also directed the petitioner to produce any evidence for having worked in the office of the respondent during the relevant period. Since the petitioner was not able to produce any material and the respondent also did not have any evidence to show that the petitioner was working in the office of the respondent during the years 1993 to 1995, the service certificate sought for by the petitioner was not granted. In view of the same, the respondent has sought for the dismissal of this writ petition.

8.Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent.

9.This Court has carefully considered the submissions made on either side and the materials available on record.

10.It is quite apparent from the above facts that the dispute is now confined only for the period from 1993 to 1995. The service certificate has already been granted to the petitioner for the period from 1995 to 1997.



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11.It will be relevant to take note of the communication dated 28.09.2021 made by the respondent to the petitioner. The service certificate is extracted hereunder:

தமிழ்நாடு அரசுப் பணிப்பாளர் தேர்வாணையம்	
பணிச்சான்று	
திரு.எம்.பத்மநாபன், சென்னை என்பவர் தமிழ்நாடு அரசுப் பணிப்பாளர் தேர்வாணையத்தில் திணைக்கல் அடிப்படையில் பிறிவு எழுத்தராக பின்வரும் காலங்களில் பணிபுரிந்துள்ளார் என்று சான்றளிக்கப்படுகிறது.	
மாதம் மற்றும் வருடம்	பணிபுரிந்த காலங்கள்
ஜூலை 1995	03.07.1995 முதல் 28.07.1995 வரை /
ஆகஸ்ட் 1995	11.08.1995 முதல் 31.08.1995 வரை /
செப்.ம்பர் 1995	01.09.1995 முதல் 28.09.1995 வரை /
அக்டோபர் 1995	04.10.1995 முதல் 31.10.1995 வரை /
நவம்பர் 1995	06.11.1995 முதல் 29.11.1995 வரை /
டிசம்பர் 1995	01.12.1995 முதல் 29.12.1995 வரை /
ஜனவரி 1996	03.01.1996 முதல் 31.01.1996 வரை /
பிப்ரவரி 1996	12.02.1996 முதல் 29.02.1996 வரை /
மார்ச் 1996	04.03.1996 முதல் 12.03.1996 வரை /
ஏப்ரல் 1996	-----
மே 1996	-----
ஜூன் 1996	12.06.1996 முதல் 28.06.1996 வரை /
ஜூலை 1996	01.07.1996 முதல் 31.07.1996 வரை /
ஆகஸ்ட் 1996	01.08.1996 முதல் 30.08.1996 வரை /
செப்.ம்பர் 1996	02.09.1996 முதல் 30.09.1996 வரை /
அக்டோபர் 1996	01.10.1996 முதல் 31.10.1996 வரை /
நவம்பர் 1996	01.11.1996 முதல் 29.11.1996 வரை /
டிசம்பர் 1996	02.12.1996 முதல் 31.12.1996 வரை /
ஜனவரி 1997	02.01.1997 முதல் 31.12.1997 வரை /
பிப்ரவரி 1997	03.02.1997 முதல் 28.02.1997 வரை /
மார்ச் 1997	04.03.1997 முதல் 31.03.1997 வரை /
ஏப்ரல் 1997	01.04.1997 முதல் 04.04.1997 வரை /
**	
பணியில் சேர்ந்த நாள் 01.03.1993	விடுவிக்ஸப்பட்ட நாள் - கிடைக்கப்பெறவில்லை
பணியில் சேர்ந்த நாள் 08.08.1994	விடுவிக்ஸப்பட்ட நாள் - 31.08.1994 ✓
பணியில் சேர்ந்த நாள் 14.11.1994	விடுவிக்ஸப்பட்ட நாள் - கிடைக்கப்பெறவில்லை
**மேற்படி காலங்களில் தனியார் பணிபுரிந்த நாட்கள் குறித்த வருணைப் பதிவேடுகள் கிடைக்கப் பெறவில்லை.	



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12.It is quite apparent that the records were clear for the period from 1995 to 1997. However, sufficient records were not available for the period from 1993 to 1995. But in the above service certificate itself, it is seen that the petitioner had joined on 01.03.1993. Once again, he had joined the services on 08.08.1994 and he was relieved on 31.08.1994. Once again he has joined on 14.11.1994. What is not available is the dates on which his services were dispensed with when he joined on 01.03.1993 and 14.11.1994.

13.Considering the fact that the petitioner was working as a Section Writer during the relevant period, it will be too difficult for the petitioner to produce any records. It is not as if the petitioner did not work for the period from 1993 to 1995. There are entries for the year 1993 till the end of 1994, where it is found that the petitioner has in fact been engaged. Considering the same, it can be safely concluded that the petitioner was in fact working in the office of the respondent from 01.03.1993 till 1995. Yet another reason as to why such a conclusion can be arrived at is that from July 1995 onwards, the petitioner has been regularly engaged till 1997.



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14.In the light of the above discussions, this Court is inclined to interfere with the impugned communication dated 27.09.2023 issued by the respondent and the same is hereby quashed. There shall be a direction to the respondent to issue a service certificate to the petitioner for the period from 01.03.1993 to 02.07.1995. This certificate shall be issued to the petitioner within a period of four (4) weeks from the date of receipt of a copy of this order.

15.In the result, this Writ Petition is allowed with the above directions. No costs.

08.08.2024

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

The Secretary,
Tamil Nadu Public Service Commission,
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Chennai – 600 003.



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N.ANAND VENKATESH, J.

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