



W.P.(MD).No.7305 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.7305 of 2024

Dr.M.Arthur John

... Petitioner

Vs

1. The Director of Animal Husbandry,
Tamil Nadu Animal Husbandry Department,
Integrated Animal Husbandry and Fisheries Department
Office Complex, Veterinary Hospital Compound,
Nandabam, Chennai - 35.
2. The Regional Joint Director,
Tamil Nadu Animal Husbandry Department,
Tirunelveli Region, Veterinary Hospital Compound,
Sreepuram, Tirunelveli - 1.
3. The Regional Joint Director,
Tamil Nadu Animal Husbandry Department,
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to sanction forthwith the pension and other pensionary benefits payable to the petitioner along with arrears of pension by considering the petitioner representation, dated 19.02.2024.

For Petitioner : Mr. K.Samidurai
For Respondents : Mr.J.K.Jayaselan
Government Advocate



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ORDER

The present writ petition has been filed seeking direction to the respondents to sanction forthwith the pension and other pensionary benefits payable to the petitioner along with arrears of pension by considering the petitioner representation, dated 19.02.2024.

2.By consent of both parties, considering the limited relief sought for by the petitioner, the Writ Petition is taken up for final disposal at the stage of admission itself.

3.Heard, the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents. Perused the materials on record.

4.(i).The petitioner was initially appointed as Veterinary Assistant Surgeon, vide proceedings of the first respondent, dated 16.11.1965. He was posted in the office of District Veterinary Officer, South Arcot at Cuddalore. He joined duty on 28.11.1965. The petitioner has been successfully selected by the then Madras Public Service Commission for appointment to the post of



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Veterinary Assistant Surgeon. His service was duly regularized by the first respondent vide proceedings, dated 19.10.1967. He completed his probation on 24.11.1968.

(ii).After serving for a period of 15 years and 4 months, he submitted a representation on 25.04.1981, seeking to retire from service due to personal reasons. Since the petitioner did not complete his 20 years of service at that point of time, he was not permitted to go on voluntarily retirement. Hence, he was constrained to give a letter of resignation, following which, the first respondent accepted his resignation, vide G.O.Ms. No. 12089 Agriculture Department, dated 12.12.1983, and accordingly relieved him from service with immediate effect.

(iii).However, the petitioner has not been sanctioned with pensionary benefits, for which, he made a representation to the first respondent on 09.06.1967, requesting to sanction pension by treating his case as that of voluntary retirement. As there is no response, he made a representation before the Chief Minister's cell on 03.12.1998 by way of appeal. In response, the second respondent vide proceedings, dated 03.02.1999 stated that there was no provision for sanctioning pension to the petitioner, since he had resigned from service within a period of 15 years and 4 months. As against the same, the



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petitioner preferred an appeal before the first respondent on 02.12.2002 for the said purpose and the same was rejected by the second respondent vide proceedings, dated 29.03.2003.

(iii).Again, the petitioner made a fresh appeal before the Chief Minister Cell on 01.02.2021. He also made an appeal before the first respondent on 19.02.2024. On receiving the said appeal, the second respondent forwarded the appeal to the office of the third respondent vide proceedings, dated 01.03.2024. However, as the same was not considered, this petition came to be filed.

5.The learned Government Advocate submitted that the representation of the petitioner, dated 03.12.1998 has already been considered and rejected by the second respondent vide order, dated 03.02.1999. The second application of the petitioner, dated 02.12.2002 was also considered by the respondents and the same has been duly rejected by the second respondent vide order, dated 29.03.2003. Since the petitioner has only completed 15 years and 4 months of service, he is not entitled for pension under the voluntary retirement scheme.



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6.In view of the above submissions, there is no merit in this petition. Accordingly, this Court hereby dismiss the petition. However, liberty is given to the petitioner to challenge the orders, dated 03.02.1999 and 29.03.2003 passed by the second respondent, in the manner known to law. There shall be no order as to costs. Consequently connected miscellaneous petition is closed.

25.03.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

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L.VICTORIA GOWRI, J.

PNM

ORDER IN
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