



W.P.(MD)No.16356 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.07.2024

CORAM

**THE HONOURABLE MRS JUSTICE L.VICTORIA GOWRI**

**W.P.(MD)No.16356 of 2020**

S.Ganesan

... Petitioner

Vs.

1.The Accountant General,  
No.361, Anna Salai,  
Chennai-600 018.

2.The District Collector,  
Karur District,  
Karur.

3.The Tahsildar,  
Aravakurichi Taluk,  
Karur District.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the first respondent i.e., The Accountant General, Chennai, relating to his impugned letter No.PO1/4/10121349/ADK/2022, dated 04.11.2019 and quash the same and consequently direct the second and third respondents to resubmit the pension proposals within a specified time frame that may be fixed by this Court and on receipt of the same, the first respondent i.e., the Accountant General, Chennai, may sanction the pension including 50% of services put in by the



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petitioner on consolidated pay as Noon Meal Organizer and Junior Assistant as per the proposals received within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam

For R-1 : Mr.P.Gunasekaran,  
Standing Counsel

For R-2 & R-3 : Mr.D.GandiraJ,  
Special Government Pleader

### **ORDER**

This Writ Petition has been filed challenging the impugned letter passed by the first respondent i.e., The Accountant General, Chennai, in impugned letter No.PO1/4/10121349/ADK/2022, dated 04.11.2019 and consequently to direct the second and third respondents to resubmit the pension proposals within a specified time frame that may be fixed by this Court and on receipt of the same, the first respondent i.e., the Accountant General, Chennai, may sanction the pension including 50% of services put in by the petitioner on consolidated pay as Noon Meal Organizer and Junior Assistant as per the proposals received within a specified time frame that may be fixed by this Court.



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2. The petitioner was appointed as 'Noon Meal Organizer' on consolidated pay on 03.02.1983 vide proceedings in R.C.No.313089/82/KA6, dated 29.01.1983 of the Personal Assistant (General) to the Collector, Madurai. He continuously served as Noon Meal Organizer till 14.07.2003 i.e., for a period of twenty years without any break in service. While so, he was temporarily posted as Junior Assistant on consolidated pay during the Government servants general strike period as per the proceedings dated 12.07.2003 of the District Collector, Dindigul and he joined duty on 15.07.2003. Following which, all the Junior Assistants, who were appointed temporarily during the general strike period were observed as regular Junior Assistants by conducting an examination by the Tamil Nadu Public Service Commission and on passing out the said examination, the petitioner was posted as Junior Assistant in the Taluk Office at Aravakurichi, as per the proceedings dated 21.09.2011 of the District Collector, Karur. He continued service in the same office till his retirement on attaining the age of superannuation on 31.08.2016.

3. Though the petitioner served as Noon Meal Organizer on 03.02.1983 to 14.07.2003 i.e., for a period of twenty years and then, as Temporary Junior Assistant on consolidated pay for the period from 15.07.2003 to 26.09.2011 i.e.,



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for a period of eight years and then, as Junior Assistant in regular time scale pay from 27.09.2011 to 31.08.2016 i.e., for a period of five years, he is not able to get pensionary benefits till today. The period of probation in the category of Junior Assistant was also declared to have been satisfactorily completed by proceedings, dated 27.12.2013 and as such, he has a total service of thirty three years. Hence, he made a representation in this regard to the respondents, however, without application of mind, the first respondent has passed the impugned order dated 04.11.2019, on the ground that the petitioner was not absorbed in regular time scale of pay before 01.04.2003 and that the eligibility for pension for the period served as Noon Meal Organizer as per the Government Order in G.O.(Ms).No.6, Social Welfare Nutritious Scheme Department, dated 06.01.2020 has been taken away in the Government Order in G.O.(Ms).No.34, Social Welfare Nutritious Scheme Department, dated 14.03.2013. Challenging the same, the present Writ Petition came to be filed.

4. The learned counsel for the petitioner Mr.S.Visvalingam drew my attention to the fact that, the Government Order in G.O.(Ms).No.34, Social Welfare Nutritious Scheme Department, dated 14.03.2013, on the basis of which, the impugned order came to be passed has already been quashed by this Court in W.P.(MD).No.23144 and 23152 of 2015.



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**WEB COPY** 5. Per contra, learned counsel appearing for the first respondent Mr.P.Gunaskearan, submitted that the said Government Order was upheld in W.A.(MD).No.587 of 2014, dated 03.12.2014 and thereafter, a SLP was preferred as against the same before the Hon'ble Apex Court and the said SLP was also dismissed.

6. In view of the arguments made by the learned counsel appearing for the petitioner that, he foregoes his claim for 50% of his service put in the post of Noon Meal Organizer on consolidated pay and Junior Assistant for the purpose of old pension and the learned counsel limits his prayer for the purpose of bringing the petitioner within the benefit of the Contributory Pension Scheme which was implemented on or after 01.04.2003, this Court hereby directs the petitioner to make a fresh representation in this regard to the respondents 2 and 3 within a period of one week from the date of receipt of a copy of this order and on receipt of the same, the respondents are directed to pass appropriate orders on merits and in accordance with law within a period of twelve weeks thereafter.



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7. Accordingly, this Writ Petition is **disposed of**. No costs.

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**24.07.2024**

NCC:yes/no

Index:yes/no

Internet:yes/no

TSG

To

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**L.VICTORIA GOWRI, J.**

TSG

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