



**W.P.(MD).Nos.29063, 29064, 29066, 29067,
29277, 30574 and 30575 of 2024**

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

**W.P(MD)Nos. 29063, 29064, 29066, 29067, 29277
30574 and 30575 of 2024**

W.P(MD) No.29063 of 2024:

Sankaranarayanan

... Petitioner

Vs.

1.The Principal Accountant General
(A& E)
No.361, Annasalai,
Chennai.

2. The State of Tamil Nadu,
Represented by its Secretary,
School Education Department,
Chennai.

3. The Director of School Education,
College Road,
Chennai.

4. The Chief Educational Officer,
Thoothukudi 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



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fix the annual increment of the petitioner notionally w.e.f.16.06.1989 and to disburse the monetary benefits from 24.06.1995 and further directing the respondents to revise the pensionary benefits and other retirement benefits of the petitioner by considering the representation of the petitioner dated 25.11.2024.

For Petitioner : Mr.K.Vinoharan
For R1 : Mr.Chamundi Bose
For R2 to R4 : Mr.A.Baskaran
Additional Government Pleader

W.P(MD) No.29064 of 2024:

A.Joseph Poobalarayer Vs. ... Petitioner

- 1.The Principal Accountant General
(A& E)
No.361, Annasalai,
Chennai.
2. The State of Tamil Nadu,
Represented by its Secretary,
Labour and Employment Department,
Chennai.
3. The Commissioner of Labour,
Chennai.
4. The Additional Commissioner of Labour,
Madurai.



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5. The Assistant Commissioner of Labour,
(Enforcement),
Thoothukudi.

... 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 fix the annual increment of the petitioner notionally w.e.f. 08.01.1991 and to disburse the monetary benefits from 24.06.1995 and further directing the respondents to revise the pensionary benefits and other retirement benefits of the petitioner by considering the representation of the petitioner dated 25.11.2024.

For Petitioner	: Mr.K.Vinoharan
For R1	: Mr.Chamundi Bose
For R2 to R5	: Mr.A.Baskaran Additional Government Pleader

W.P(MD) No.29066 of 2024:

V.Sahayarani Valdari

... Petitioner

Vs.

1.The Principal Accountant General
(A& E)
No.361, Annasalai,
Chennai.



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2. The State of Tamil Nadu,
Represented by its Secretary,
Rural Development Department,
Chennai.

3. The District Collector,
Tuticorin District,
Tuticorin.

4. The Block Development Officer,
Srivaikundam Panchayat Union,
Tuticorin 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 fix the annual increment of the petitioner notionally w.e.f. 28.06.1989 and to disburse the monetary benefits from 24.06.1995 and further directing the respondents to revise the pensionary benefits and other retirement benefits of the petitioner by considering the representation of the petitioner dated 25.11.2024.

For Petitioner : Mr.K.Vinoharan

For R1 : Mr.Chamundi Bose

For R2 and R3 : Mr.A.Baskaran
Additional Government Pleader

For R4 : Mr.Suriya Ananth
Additional Government Pleader



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W.P(MD) No.29067 of 2024:

C.Ramasami

... Petitioner

Vs.

1. The Principal Accountant General
(A& E)
No.361, Annasalai,
Chennai.
2. The State of Tamil Nadu,
Represented by its Secretary,
Corporation Department,
Chennai.
3. The Joint Registrar of Co-operative Societies,
Tirunelveli District,
Tirunelveli.
4. The Deputy Registrar of Cooperative Societies,
Cheranmahadevi,
Tirunelveli 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 fix the annual increment of the petitioner notionally w.e.f.19.09.1989 and to disburse the monetary benefits from 24.06.1995 and further directing the respondents to revise the pensionary benefits of the petitioner and other retirement benefits by considering the representation of the petitioner dated 25.11.2024.

For Petitioner : Mr.K.Vinoharan



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For R1

: Mrs.S.Mahalakshmi

For R2 to R4

: Mr.A.Baskaran

Additional Government Pleader

W.P(MD) No.29277 of 2024:

K.Panchu

... Petitioner

Vs.

1.The Principal Accountant General

(A& E)

No.361, Annasalai,
Chennai.

2. The State of Tamil Nadu,

Represented by its Secretary,
Labour and Employment Department,
Chennai.

3. The Commissioner of Labour,

Chennai.

4. The Additional Commissioner of Labour,

Trichy.

5. The Assistant Commissioner of Labour,

(Enforcement),

Dindigul.

... 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 fix the annual income of the petitioner notionally w.e.f. 30.01.1991 and to disburse the monetary benefits w.e.f. 24.06.1995 and further directing the



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respondents to revise the pensionary benefits and other retirement benefits of the petitioner by considering the representation of the petitioner dated 25.11.2024.

For Petitioner	: Mr.K.Vinoharan
For R1	: Mr.G.Karthik Standing Counsel
For R2 to R5	: Mr.A.Baskaran Additional Government Pleader

W.P(MD) No.30574 of 2024:

S.Pudhiya Muthu

Vs.

... Petitioner

1. The Principal Accountant General
(A& E)
No.361, Annasalai,
Chennai.
2. The State of Tamil Nadu,
Represented by its Secretary,
School Education Department,
Chennai.
3. The Director of School Education,
College Road,
Chennai.
4. The Chief Educational Officer,
Thoothukudi District.
Thoothukudi.



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5. The District Educational Officer,
(Elementary)
Thoothukudi District,
Thoothukudi.

... 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 notionally fix the increment year wise w.e.f 14.06.1989 and to revise the monetary benefits with effect from 24.06.1995 and further directing the respondents to revise the pensionary benefits and other retirement benefits of the petitioner and to disburse the same by considering the representation of the petitioner dated 09.12.2024.

For Petitioner	: Mr.K.Vinoharan
For R1	: Mr.Chamundi Bose Standing Counsel
For R2 to R5	: Mr.N.Satheesh Kumar Additional Government Pleader

W.P(MD) No.30575 of 2024:

K.Raviraj

... Petitioner

Vs.

1.The Principal Accountant General
(A& E)
No.361, Annasalai,
Chennai.



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2. The State of Tamil Nadu,
Represented by its Secretary,
School Education Department,
Chennai.
3. The Director of School Education,
College Road,
Chennai.
4. The Chief Educational Officer,
Thoothukudi District,
Thoothukudi.
5. The District Educational Officer,
(Elementary)
Thoothukudi District,
Thoothukudi.

... 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 notionally fix the increment year wise w.e.f. 16.04.1990 and to revise the monetary benefits with effect from 24.06.1995 and further directing the respondents to revise the pensionary benefits and other retirement benefits of the petitioner and to disburse the same by considering the representation of the petitioner dated 09.12.2024.

For Petitioner	: Mr.K.Vinoharan
For R1	: Mr.Chamundi Bose Standing Counsel
For R2 to R5	: Mr.N.Satheesh Kumar Additional Government Pleader



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COMMON ORDER

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The instant Writ Petitions have been filed by the Junior Assistants/Typists seeking a Mandamus, directing the respondents to fix the annual increment of the petitioners notionally with effect from 16.06.1989, 24.06.1995, 24.06.1995, 24.06.1995, 30.01.1991, 14.06.1989 and 16.04.1990 respectively and to disburse the monetary benefits with effect from 24.06.1995 and further directing the respondents to revise the pensionary benefits and other retirement benefits of the petitioners by considering their representations.

2. The petitioners were initially appointed as Junior Assistants/Typists between 1989 and 1991. Thereafter, they were ousted from service for want of vacancy. The Government had taken a policy decision to absorb them by conducting a special qualifying examination through the Tamil Nadu Public Service Commission. Accordingly, a special qualifying examination was conducted on 24.06.1995. The petitioners herein had applied for the said examination and they have passed the said examination. However, the appointment orders were issued to the writ petitioners only in the year 1997. The petitioners had already attained superannuation.



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3. It is the grievance of the writ petitioners that the period during which they were out of employment, for no fault on their part, should have been taken into consideration as a qualifying service for the purpose of calculating pension and annual increment. Seeking the said benefits, the petitioners have given their representations to the authorities concerned. Since there is no response, the present writ petitions have been filed.

4. According to the learned counsel appearing for the writ petitioners, the entire period between the date of initial appointment and the date of reappointment should be treated as service period. The learned counsel appearing for the petitioners had relied upon G.O(Ms) No.89, Personnel and Administrative Reforms (P) Department, dated 28.07.2020 and contended that as per the said Government Order, their services have to be regularised from the date of their initial appointment and the monetary benefits have to be disbursed with effect from 24.06.1995.

5. The learned counsel appearing for the petitioners has also relied upon the judgment of the learned Single Judge of this Court in a batch of writ



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petitions in W.P. Nos.34752 of 2022 etc., batch cases, dated 18.03.2024, wherein this Court has considered the case of a similarly placed employees wherein a direction has been issued to sanction retirement benefits by counting the period of service rendered by the petitioners therein, including the period of break in service with payment of revised pension and other retirement benefits.

6. Per contra, the learned Standing Counsel appearing for the first respondent and the learned Additional Government Pleader appearing for the respondents 2 to 5 and contended that the period of interruption shall not be counted as a qualifying service. They further contended that the petitioners were appointed only after two years from the date of conducting special examination. Therefore, the services of the petitioners can be calculated only from the date of their reappointment in the year 1997 and not from the date of the special examination. Hence, they prayed for dismissal of the writ petitions.



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7. I have carefully considered the submissions made by the learned counsel on either side and perused the materials available on record.

8. It is not in dispute that the petitioners, who were temporarily appointed as a Junior Assistants/typists between 1989 and 1991 and ousted from service, have appeared in the special examination conducted by the Tamil Nadu Public Service Commission on 24.06.1995 and they have passed the said examination. However, appointment orders were issued to the writ petitioners only in February 1997. Therefore, there is no fault on the part of the writ petitioners for the non employment period between 24.06.1995 and the date of reappointment.

9. A perusal of the G.O(Ms) No.89, Personnel and Administrative Reforms (P) Department, dated 28.07.2020, reveals that in all cases where the candidates have passed the special qualifying examination, the services have to be regularised from the date of their initial appointment. That apart, they are entitled to get annual increments notionally from the date of their initial appointment. However, they will be entitled to monetary benefits only from 24.06.1995. In view of the above said Government Order it is clear that all the



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petitioners would be entitled to calculation of annual increment notionally from the date of their initial appointment. However, the monetary benefits could be disbursed only from 24.06.1995.

10. In view of the above said deliberations, the concerned head of the Departments are directed to forward the pension proposals of the petitioners based upon the observation of this Court, to the first respondent within a period of twelve weeks from the date of receipt of a copy of this order. On receipt of the same, the first respondent is directed to disburse the eligible amount to the concerned writ petitioners within a period of eight weeks thereafter.

11. With the above said observations, these Writ Petitions stands allowed to the extent as stated above. There shall be no order as to costs.

18.12.2024

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NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The Principal Accountant General
(A& E)
No.361, Annasalai,
Chennai.
2. The Secretary,
School Education Department,
Chennai.
3. The Director of School Education,
College Road,
Chennai.
4. The Chief Educational Officer,
Thoothukudi District.
5. The Secretary,
Labour and Employment Department,
Chennai.
6. The Commissioner of Labour,
Chennai.
7. The Additional Commissioner of Labour,
Madurai.
8. The Assistant Commissioner of Labour,
(Enforcement),
Thoothukudi.
9. The Secretary,
Rural Development Department,
Chennai.



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10. The District Collector,
Tuticorin District,
Tuticorin.
11. The Block Development Officer,
Srivaikundam Panchayat Union,
Tuticorin District.
12. The Secretary,
Corporation Department,
Chennai.
13. The Joint Registrar of Co-operative Societies,
Tirunelveli District,
Tirunelveli.
14. The Deputy Registrar of Cooperative Societies,
Cheranmahadevi,
Tirunelveli District.
15. The Additional Commissioner of Labour,
Trichy.
16. The Assistant Commissioner of Labour,
(Enforcement),
Dindigul.
17. The District Educational Officer,
(Elementary)
Thoothukudi District,
Thoothukudi.



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18.12.2024

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