IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-08-2025

CORAM

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

WP No. 16335 of 2015

S.Ganapathy, S/o.Sankarappan,
No.12, 1st Street, Padi Pudunagar,
Anna Nagar West Extension,
Chennai-600 101

Petitioner(s)

Vs

1.The Principal Secretary/
Chairman and Managing Director,
TANSI Corporate Office,
Guindy, Chennai-600 032

2.The Chairman and Managing Director,
Tamilnadu Industrial Explosives Ltd.,
735, LLA Building, 1st Floor,
Anna Salai, Chennai-600 002

3.The Special Secretary to Government
of Tamilnadu Finance (BPE) Department,
Fort St. George, Chennai-600 009

4.The General Manager
TANSI, Guindy,
Chennai-32

Respondent(s)

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 impugned proceedings Rc.No.186/LC/2015 dated 15.04.2015 of the 4th respondent herein and quash the same as null and void and consequently direct the respondents herein to pass appropriate order to revise the pay scale from 23.04.2008 to 30.04.2013 in order to pay the arrears of revised salary with interest till the date of realization, within the stipulated period prescribed by this court.

For Petitioner (s) : Mr.G.Thangavel

For Respondent(s): Mr.A.Thiyagarajan, (for R1 & R4)
Senior counsel
Mr.A.Abdul Wahab (for R2)
for M/s.K.V.Subramanian Associates
Mr.S.Sentil Murugan (for R3)
Special Government Pleader

ORDER

Writ Petition is filed to call for the records of the impugned proceedings Rc.No.186/LC/2015 dated 15.04.2015 of the 4th respondent and quash the same and to direct the respondents to pass appropriate orders to revise the pay scale from 23.04.2008 to 30.04.2013 in order to pay the arrears of revised salary with interest till the date of realization, within the stipulated period prescribed by this court.

2.The petitioner seeks the benefit conferred under G.O.Ms.No.27 Finance (BPE) Department, dated 24.01.2007.

3.Learned counsel appearing for the petitioner submits that the petitioner was appointed as a Junior Assistant with the second respondent on 12.04.1985. Subsequently, he was deputed to the fourth respondent on 23.04.2008 and was permanently absorbed by the said respondent on 29.12.2011. Thereafter, the petitioner retired from service under the Voluntary Retirement Scheme on 30.04.2013.

4.Learned counsel appearing for the second respondent submits that the petitioner is not entitled to the benefits under G.O. Ms. No. 27, Finance (BPE) Department, dated 24.01.2007.

5.Learned senior counsel appearing for respondents 1 and 4 contends that the fourth respondent, by its letter No.4739/EBI/2009, dated 22.03.2012, requested the second respondent to settle the gratuity directly to the petitioner, with due intimation to the fourth respondent. Accordingly, the gratuity amount of Rs.1,52,928/- and leave encashment of Rs.4,858/-, totalling Rs.1,57,786/-, was settled to the petitioner vide State Bank of India, Vellore Branch, Cheque No.140463, dated 23.08.2013.

6.Heard the learned counsel on both sides and perused the materials available on record.

7.As per G.O. Ms. No. 27, Finance (BPE) Department, dated 24.01.2007, it has been specifically ordered that employees of State Public Sector Undertakings/Co-operative Institutions working on deputation or contract basis with other State Public Sector Undertakings or Government Departments may be considered for permanent absorption only after completion of two years of continuous service in the borrowing organization. It has also been clarified that the permanent absorption shall take effect from the date the employee started serving continuously in the foreign body on deputation or contract.

8.The petitioner's claim is that his service should be counted from the date of his original appointment and, at the very least, from the date of deputation i.e., 23.04.2008. However, the learned counsel for the second and fourth respondents oppose this claim on the ground that the petitioner was permanently absorbed only on 29.12.2011 and retired under the Voluntary Retirement Scheme on 30.04.2013. Therefore, he argues that the benefit of G.O. Ms. No. 27 cannot be extended to the petitioner and that the relevant service period should be calculated only from the date of permanent absorption, i.e., 29.12.2011.

9.In view of the above, since the entire terminal benefits have been settled to the petitioner as per the proceedings of the fourth respondent in Rc. No. 186/LC/2015 dated 15.04.2015, and the same has been effected by the second respondent, this Court finds no merit in the present writ petition.

10.Accordingly, the Writ Petition is dismissed as devoid of merits. No costs.

22-08-2025

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No

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N.SENTHILKUMAR J.

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To

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Chairman and Managing Director,
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