



W.P.No.27172 of 2014

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2025

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.27172 of 2014

A.Muthiah

... Petitioner

Vs

1.The Government of Tamilnadu,
Rep by Secretary,
Department of Higher (E2) Education,
Fort.St.George,
Chennai – 600 009.

2.The Director of Collegiate Education,
Chennai – 600 006.

3.The Joint Director Collegiate Education,
Madurai Region,
Madurai – 20.

4.The Lakshmi College of Education,
Rep by its Secretary,
Gandhigram – 624 302.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to Lr.No.5765/E.2/2011-10 dated 28.01.2014 issued by the 1st



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respondent herein and quash the same and consequentially direct the respondents to include the services of the petitioner from 02.09.1963 to 30.04.1964 as Grade III Librarian and from 07.03.1969 to 16.07.1969 as Grade II Librarian in the local Library authority, Chennai city for the purpose of calculation his pension.

For Petitioner : Mr.P.Mallikarjun
for
Mr.C.Prasanna Venkatesh

For Respondents : Mr.C.Jayaprakash
Government Advocate
for R1 to R3

ORDER

The Petitioner has challenged the Communication dated 28.01.2014 (hereinafter referred to as the 'Impugned Order'), whereby, the request of the Petitioner for including the service of the petitioner from 02.09.1963 to 30.04.1964 as Grade III Librarian and therefore from 06.08.1964 (wrongly mentioned as 07.03.1969) to 16.07.1969 as Grade II Librarian in the local library authority while calculating the pensionary benefit of the Petitioner under the provisions of the Tamil Nadu Pension Rules, 1978, was rejected.



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2. It is noticed that the Impugned Order dated 28.01.2014 is of the year 2014, pursuant to the Representation of the Petitioner made in the years 2011-2013 to include the service of the Petitioner rendered as Grade III and Grade II Librarian for the purpose of calculating pensionary benefits.

3. The issue has attained clarity in terms of the decision of the Full Bench of this Court in the ***Government of Tamil Nadu, Rep by Secretary to Government, Public Works Department, Secretariat, Chennai and others Vs. R.Kaliyamoorthy*** vide Order dated 03.12.2019.

4. Therefore, the ratio laid down by the Full Bench of this Court in the aforesaid case has to be considered and a fresh order has to be passed after ascertaining whether the Petitioner could be entitled to the relief sought for in this Writ Petition in the light of the admitted facts of the case.

5. Considering the same, the Impugned Order dated 28.01.2014 of the 1st Respondent is quashed and the case is remitted back to the 1st



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Respondent to pass fresh orders on merits as expeditiously as possible preferably within a period of three months from the date of receipt of a copy of this order and by considering the fact that the Petitioner is aged about 75 years as on the date of this order.

6. This Writ Petition stands disposed of with the above observations. No costs.

03.04.2025

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation : Yes/No
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To

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C.SARAVANAN, J.

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