IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :01.08.2025

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THE HONOURABLE Mr.JUSTICE **C.KUMARAPPAN**

W.P.No.27804 of 2024
and
W.M.P.No.30318 of 2024

T.Sivasankaran ... Petitioner

Vs.

1. The Agriculture Production Commissioner &
   Principal Secretary to Government,
   The State of Tamil Nadu Agriculture Department,
   Secretariat,
   Chennai - 600 009.

2. The Joint Director of Agriculture,
   Thiruvarur. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for records on the file of the first respondent in connection with Letter No.8627/Ve.Ni.9/2020-11 dated 28.05.2024, quash the same, directing the respondents to accept the remittance of retrenchment service gratuity payable by the petitioner and consequently direct the respondents to grant pension along with arrears by calculating the service rendered from 20.12.1974 to

31.07.1989 at Sugar Cane Form Corporation along with service 25.04.1990 to 31.02.2011 for the purpose of counting qualifying service as held by this Court in judgement dated 18.07.2008 made in W.A.No.302 of 2008, by extending the benefit of G.O.No.86, Animal Husbandry and Fisheries Department dated 14.08.2003 and in the light of G.O.NO.19, Agricultural Department dated 01.03.2016.

For Petitioner : Mrs.T.Aananthi
For Respondents : Mr.N.Naveen Kumar

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ORDER

The instant Writ Petition has been filed to calculate the petitioner's service rendered by him in the Sugar Cane Farm Corporation for the purpose of his pension.

2. The learned counsel for the petitioner would submit that the petitioner was appointed as a Helper in the Sugar Cane Farm Corporation on 20.12.1974, and he was regularized with effect from 30.10.1975, and his service was retrenched at the Sugar Cane Farm Corporation on 30.06.1989, owing to the closure of the Unit. She would further submit that after the retrenchment, the petitioner was appointed as an Office Assistant in the Agricultural Department on 25.04.1990 and retired from service on

31.03.2011. The petitioner has put in 15 years of service at the Sugar Cane Farm Corporation and 21 years of service at the Agricultural Department, and his total service is 36 years.

2.1. But the grievance of the petitioner is that his past service at the Sugar Cane Farm Corporation was not calculated for counting the qualifying service for pension. In this connection, when the petitioner gave a representation to the first respondent, it was rejected through the impugned order dated 25.05.2024 on the ground that while he was retrenched at the Sugar Cane Farm Corporation, he was settled with all terminal benefits. Therefore, the question of calculating his past service at the Sugar Cane Farm Corporation does not arise. Hence, the first respondent rejected his claim. However, it is the contention of the learned counsel for the petitioner that for similarly placed persons, the respondents have considered their past service, as per G.O.(2D) No.19, Agricultural Department, dated 01.03.2016, on payment of deposit of retrenchment compensation, service gratuity, and the contribution made by the Government towards EPF.

2.2. The learned counsel for the petitioner would also invite the attention of this Court to the order passed by this Court in W.P.No.27804 of 2024, dated 15.04.2025, wherein this Court directed the respondents to provide a calculation as to how much amount the petitioner has to deposit with the respondents to avail the benefit as per G.O.(2D) No.19, Agricultural Department, dated 01.03.2016. In this connection, the respondents sent a letter to the petitioner on 06.06.2025, wherein it was stated that the petitioner is liable to pay a sum of Rs.2,71,897/- to the respondents to calculate his past service for the purpose of his pension. Pursuant to this, the petitioner sent a letter to the first respondent on 20.06.2025, agreeing to deposit a sum of Rs.2,71,897/-, as calculated by the respondents. Hence, the petitioner prays to interfere with the impugned order.

3. Per contra, the learned Government Advocate appearing for the respondents would fairly submit that if the petitioner pays the entire amount as demanded in his letter dated 20.06.2025, then his past service at the Sugar Cane Farm Corporation will be considered for the purpose of calculating his pension.

4. I have given my anxious consideration to either side submissions.

5. The short point to be considered in the present Writ Petition is whether the order passed by the first respondent, rejecting the petitioner's request to calculate his past service, is justifiable or not. The only ground urged by the respondents is that the petitioner has to pay Rs.2,71,897/-, which he received on the date of retrenchment. In this connection, the petitioner is ready and willing to deposit the said sum of Rs.2,71,897/- into the respondents' account, vide his letter dated 20.06.2025, which was acknowledged by the respondents on 25.06.2025. Therefore, when the petitioner himself has agreed to repay the amount that he had received while he was retrenched, there can be no objection for the respondents to include his past service for the purpose of calculating his pension.

6. In view of the above, the impugned order dated 25.05.2024 is hereby quashed, and the respondents are directed to take into consideration his past service from 20.12.1974 to 30.06.1989, along with his service from 25.04.1990 to 31.03.2011, for the purpose of counting qualifying service to calculate his pension, subject to the condition the petitioner to deposit a sum

of Rs.2,71,897/- into the respondents' account within a period of four weeks from the date of receipt of a copy of this order. Upon such payment, the respondents are directed to calculate the petitioner's said past service and grant revised pension along with arrears within a further period of eight weeks.

7. In the result, this Writ Petition is allowed. Consequently, the connected Miscellaneous Petition is closed. No costs.

01.08.2025

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Index : Yes/No
Speaking order /Non Speaking Order
Neutral Citation : Yes/No

To

1. The Agriculture Production Commissioner &
   Principal Secretary to Government,
   The State of Tamil Nadu Agriculture Department,
   Secretariat,
   Chennai - 600 009.

2. The Joint Director of Agriculture,
   Thiruvarur.

C.KUMARAPPAN, J.

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