



WEB COPY



WA No. 141 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-02-2026

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE SHAMIM AHMED

**WA No. 141 of 2026 AND
CMP NO. 1157 OF 2026**

1. The State of Tamil Nadu
Rep. by Secretary to Government,
Animal Husbandry Department, Dairying,
Fisheries and Fishermen Welfare Department,
Fort St. George, Chennai-600009.
2. The Director
Animal Husbandry and Veterinary Sciences,
Nandanam,
Chennai-600035.

..Appellants

Vs

G Jeelandran
S/o.Ganapathy, No.3, M Block, Warran Road,
Visalakshi Estate, Mylapore, Chennai-600004

..Respondent(s)

Prayer : Writ Appeal under Clause XV of the Letters Patent to set aside the order dated 07.08.2023 made in WP No.20221/2023.

For Appellants :

Mr.S.Yashwanth

Additional Government Pleader

For Respondent :

Mr.T.Saravanan



WA No. 141 of 2026

WEB COPY

Judgment

(Judgment of the Court was delivered by R.Suresh Kumar J.)

This intra court appeal is directed against the order dated 07.08.2023 made in W.P.No.20221 of 2023.

2. The respondent was the writ petitioner, who was initially working under the erstwhile Tamil Nadu Poultry Development Corporation (hereinafter referred to as 'TAPCO'). While so, he was dismissed from service on 22.05.1987 due to disciplinary proceedings. The said dismissal order was challenged by him before the Principal Labour Court, Chennai by raising an industrial dispute in I.D.No.1002 of 1992. The labour court passed an award on 29.04.1997 setting aside the punishment of dismissal from service with a direction to reinstate the writ petitioner in service with continuity of service with full backwages and attendant benefits.

3. Aggrieved over the same, the TAPCO through its Managing Director filed a writ petition in W.P.No.16197 of 1997 and the Writ Court by order dated 26.07.2022, confirmed the award passed by the labour court, but made a small modification by reducing the backwages into 75%.

4. In the meanwhile, the TAPCO was wound up in G.O.Ms.No.86, Animal Husbandry and Fisheries Department dated 19.04.1999. Thereafter, the then



WA No. 141 of 2026

Managing Director of TAPCO addressed a letter dated 19.04.2007 to the Secretary to the Government to absorb the writ petitioner as one of the employee as all other ex-employees of TAPCO had been absorbed vide G.O.Ms.No.91, Animal Husbandry Dairying and Fisheries (Poultry) Department dated 06.06.2000.

5. Considering this request, in fact the Government passed G.O.Ms.No.172, Animal Husbandry Dairying and Fisheries (Poultry) Department (In short 'Animal Husbandry Department') dated 22.11.2016 sanctioning 75% backwages payable to the writ petitioner as directed by the Writ Court, confirming the award passed by the industrial tribunal / labour court.

6. However, since pensionary benefits had not been given to the writ petitioner, he filed W.P.No.9539 of 2018 seeking a direction to consider his representation with regard to the pension and other benefits. However, a rejection order was passed by the department on 19.09.2020, which was impugned before the writ court in the present writ petition in W.P.No.20221 of 2023.

7. The learned Writ Court, after having considered the factual matrix has allowed the writ petition, thereby directing the appellant Department to grant pension to the respondent / writ petitioner. Aggrieved over the same, the present intra court appeal has been preferred.



8. Heard Mr.S.Yashwanth, learned Additional Government Pleader appearing for the appellants, who would submit that as per G.O.Ms.No.191 dated 06.06.2000, at the Animal Husbandry Department only 139 posts had been created under 16 categories based on the erstwhile staff strength of TAPCO and the writ petitioner had not been included among the 139. Since there has been no post created in the Animal Husbandry Department, the question of paying any pension considering him as permanent employee of the department concerned would not arise at all. Therefore, the order passed by the Writ Court directing the appellant Department to consider the case of the petitioner and grant him pension is erroneous one, he contended.

9. We are not impressed with the said submission made by the learned Additional Government Pleader for the simple reason that, no further appeal has been filed as against the order passed by the writ court dismissing the said writ petition filed by the then TAPCO challenging the award passed by the industrial tribunal by only reducing the backwages to 75%.

10. As the TAPCO has been taken over by the concerned department ie., Animal Husbandry Department, they issued a Government Order in G.O.Ms.No.172 dated 22.11.2016, whereby the backwages of the writ petitioner having been calculated was paid. When the order of the writ court having been accepted and as



directed, the backwages also was paid to the writ petitioner, he was treated as regular and permanent employee at the time of taking over of TAPCO by the Government by the Animal Husbandry Department. Therefore, merely because the petitioner's name has been omitted to be calculated in G.O.Ms.No.91, Animal Husbandry Department dated 06.06.2000 and only 139 posts alone had been created, it cannot be stated that the writ petitioner is not entitled to get service benefits especially retiral benefits like pension and other benefits.

11. The reason being that, once the reinstatement of the writ petitioner is accepted by the then TAPCO and in the meanwhile TAPCO has been taken over by the Animal Husbandry Department when all other employees had been taken over and were given regular employment in the Animal Husbandry department, the writ petitioner was also entitled to the same treatment to get regular absorption in the Animal Husbandry department on taking over of the TAPCO vide G.O.Ms.No.86 dated 19.04.1999 followed by G.O.Ms.No.91 dated 06.06.2000 issued by the Animal Husbandry Department as stated supra.

12. Moreover, once G.O.Ms.No.172, Animal Husbandry Department dated 22.11.2016 was issued, whereby backwages was paid to the writ petitioner, his reinstatement since has been recognised by the Animal Husbandry Department, denial of pension is clearly unlawful and unjustifiable. Therefore, there is every



WA No. 141 of 2026

justification on the part of the writ Court in allowing the writ petition through the impugned order.

13. In that view of the matter, we are not inclined to entertain this writ appeal. The writ appeal fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

14. It is made clear that the order impugned passed by the writ court ie., the calculation and payment of pensionary benefits with arrears of pay shall be made within a period of two months from the date of receipt of a copy of this order and the pension shall also be continuously paid to the writ petitioner / respondent till his lifetime.

(R.S.K.,J.) (S.S.A.,J.)
13-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

KST



WA No. 141 of 2026

WEB COPY

To

1. The Secretary to Government,
Animal Husbandry Department, Dairying,
Fisheries and Fishermen Welfare Department,
Fort St. George, Chennai-600009.
2. The Director
Animal Husbandry and Veterinary Sciences,
Nandanam,
Chennai-600035.



WEB COPY



WA No. 141 of 2026

**R.SURESH KUMAR J.
AND
SHAMIM AHMED J.**

KST

**WA No. 141 of 2026
AND
CMP NO. 1157 OF 2026**

13-02-2026

Page 8 of 8