

(2010) 07 MAD CK 0003

In the Madras High Court

Case No : Writ Petition No. 44121 of 2006 in O.A. No. 1824 of 2000

A. Jothibai

APPELLANT

Vs

The Government of Tamil Nadu

RESPONDENT

Date of Decision : 14-07-2010

Acts Referred:

Citation : (2010) 07 MAD CK 0003

Hon'ble Judges : T. Raja, J

Bench : Single Bench

Advocate : P. Rajendran, for the Appellant; S. Gopinathan, Additional Government Pleader, for the Respondent

Judgement

T. Raja, J.—The petitioner was originally appointed as Anganwadi worker Grade-I on 01.11.1971 on consolidated pay and continued as

Anganwadi worker till 27.11.1998. Subsequently, on 28.11.1998 the petitioner was appointed as Rural Welfare Officer (Women) and,

subsequently, relieved from service on attaining the age of superannuation. The question raised in the present writ petition is whether the services

rendered by the Anganwadi worker on consolidated pay from 01.11.1971 till 27.11.1998 should be counted as qualifying service for the purpose

of getting pension.

2. The learned Counsel for the petitioner, to support her contention, relied on G.O.Ms. No. 408 of 2009 dated 25.08.2009, wherein it has been

held that half of the services rendered on consolidated pay, non provincialised service, or an honorarium or daily wages can also be counted for the

purpose of getting pension. On the basis of the said G.O., the learned Counsel for the petitioner prayed for allowing the present writ petition.

3. On the other hand, the learned Additional Government Pleader for the respondents submit that, though the petitioner is not entitled to count her service which was rendered from 01.11.1971 to 27.11.1998 as Anganwadi worker on consolidated pay along with the services rendered by the petitioner as Rural Welfare Officer (Women) from 28.11.1998 to 31.05.1999, this Court may direct the first respondent to consider and pass appropriate orders on the basis of G.O.Ms. No. 408 dated 25.08.2009.

4. Heard the submissions made on both sides.

5. The petitioner, after her appointment as Anganwadi worker Grade-I on 01.11.1971, worked till 27.11.1998 on consolidated pay. On 28.11.1998, she was appointed as Rural Welfare Officer (Women). But, after becoming Rural Welfare Officer on 28.11.1998, since the petitioner retired from service on 31.05.1999, the services of the petitioner as Rural Welfare Officer from 28.11.1998 to 31.05.1999 being insufficient for getting pension, prayer has been made to Count the services rendered by the petitioner as Anganwadi worker on consolidated pay from 01.11.1971 to 27.11.1998 for pensionary purpose as qualifying service, for which reliance is placed on G.O.Ms. No. 408 dated 25.08.2009.

However, a perusal of G.O.Ms. No. 408 dated 25.08.2009 it would be clear that only 50% of the services rendered by the petitioner on consolidated pay can be allowed to be counted for the purpose of computing qualifying service.

6. In the light of G.O.Ms. No. 408 dated 25.08.2009 and also taking into consideration, the submission made by the learned Counsel for the petitioner, this Court is of the considered view that the petitioner is entitled to count 50% of the services rendered by her from 01.11.1971 to 27.11.1998 for the purpose of pensionary benefits. Accordingly, the first respondent is directed to consider and pass order on the basis of the G.O.Ms. No. 408 by counting 50% of the services rendered by the petitioner from 01.11.1971 to 27.11.1998.

7. With the above observation, the writ petition is disposed of. No costs. Since the petitioner has already retired from service on 31.05.1999, the first respondent is directed to complete the exercise as mentioned above within a period of six weeks from the date of receipt of copy of this order.