

(2014) 03 MAD CK 0113

In the Madras High Court

Case No : W.P. Nos. 10709 to 10712 and 10951 to 10954 of 2013

M. Kokila

APPELLANT

Vs

The State of Tamil Nadu and Others

RESPONDENT

Date of Decision : 24-03-2014

Acts Referred:

Citation : (2014) 03 MAD CK 0113

Hon'ble Judges : D. Hari Paranthaman, J

Bench : Single Bench

Final Decision : Disposed Off

Judgement

D. Hariparanthaman, J.—The petitioners were initially appointed either as Noon Meal Organizers or Child Welfare Organizers. The petitioners were retired from service on various dates The date of appointment, the date of their promotion to the post of Secondary Grade Teacher/B.T. Assistant/Physical Education Teacher/Rural Welfare Officer and the date of their retirement, are as given below:

Si. No.

Name

W.P. No.

Date of appointment NOM/CWO

Date of promotion

Date of retirement

1.

S. Pankajan

Rtd P.E.T 10951/13

01.07.1982

10.01.2005

28.02.2011

2.

V. Saraswathy

Rtd. Tamil Pandit

10952/13

25.06.1982

15.07.2004

30.06.2010

3.

K. Manickam

Rtd. SGT

10953/13

05.02.1983

20.07.2008

30.04.2010

4.

R. Somasundaram

Rtd. B.T. Asst.

10954/13

09.02.1983

04.09.2006

31.05.2008

5.

M. Kokila

Rtd. R.W.O.

10709/13

30.06.1980

30.09.2008

31.08.2012

6.

A. Palani

Rtd. P.E.T

10711/13

05.02.1983

02.07.2007

31.05.2009

7.

R. Saraswathy

Rtd. B.T. Asst.

10712/13

27.01.1983

07.03.2007

31.08.2008

8.

D. Kamalathan

Rtd. B.T. Asst.

10710/13

21.08.1983

05.09.2006

30.10.2009

The petitioners are not granted pension on the ground that they did not put in 10 years of service, after their regular appointment as Secondary Grade Teacher/B.T. Assistant/Physical Education Teacher/Rural Welfare Officer, before or at the time of retirement.

2. The Principal Accountant General, (Accounts and Entitlements), Tamil Nadu, Chennai, passed orders on various dates rejecting the proposals sent by the concerned authorities for sanction of pension.

3. The Principal Accountant General filed counter affidavit seeking to sustain the impugned orders and has sought to dismiss these writ petitions.

4. Heard both sides. With the consent of both parties, these writ petitions are taken up for final disposal.

5. As rightly contended by the learned counsel for the petitioners, the issue is squarely covered by my decision dated 27.06.2012 in W.P. (MD)Nos. 7070, 7529, 8287 and 8425 of 2011. In fact, another similar order passed by another learned Judge was taken on appeal in W.A. No. 455 of 2013 and the same was rejected by this Court on 07.03.2013 confirming the similar order dated 27.06.2012 passed in W.P. (MD)Nos. 7070, 7529, 8287 and 8425 of 2011.

6. In fact, I have passed so many orders in terms of G.O.Ms. No. 6, Social Welfare and Nutritious Meal Programme Department, dated 06.01.2010, and also writ petitions were disposed of granting benefit under the said Government Order. The Government has also implemented the orders of this Court and one of such order is produced namely G.O.Ms. No. 18, School Education Department, dated 18.04.2013.

7. In these circumstances, I am of the view that the impugned orders are liable to be quashed and the petitioners are entitled to pension as per G.O.Ms. No. 6, Social Welfare and Nutritious Meal Programme Department, dated 06.01.2010. Accordingly, the impugned orders are quashed and the concerned respondents are directed to resubmit the proposals for authorization of pension, to the Principal Accountant General, (Accounts and Entitlements), Tamil Nadu, Chennai, within a period of six weeks from the date of receipt of a copy of this order and the Principal Accountant General is directed to authorize pension and other terminal benefits, based on G.O.Ms. No. 6, Social Welfare and Nutritious Meal Programme Department, dated 06.01.2010, within a period of four weeks thereafter. The writ petitions are disposed of in the above terms. No costs. Consequently, connected miscellaneous petitions are closed.