

GOVERNMENT OF TAMIL NADU

ABSTRACT

Pension- Counting of half of the service paid from contingencies with regular service for Pension-Extension of the orders issued in G.O.Ms.No.437, Finance (Pension) dated 23.6.88 to those retired prior to 23.6.88 - Orders issued.

FINANCE (PENSION) DEPARTMENT

G.O.Ms.No.955

Dated: 23rd December 1991.

Read:

G.O.Ms.No.437 Finance (Pension) dated 23.6.88.

ORDER:

In the G. O. read above, orders have been issued to count half of the service rendered under contingent establishment along with regular service for pensionary benefits subject to certain conditions and the orders are applicable only to those who retired on or after the date of issue of order (i.e. 23.6.88).

2. However one Thiru M.Ganesan, Retired Watchman of the Technical Education (retired on 30.4.85) filed a writ petition as O.A. No.1/90 filed in the Tamil Nadu Administrative Tribunal. The Tribunal has delivered judgement on 14.11.1990 observing that para 3 of the G.O.Ms.No.437, Finance (Pension) dated 23.6.88 violates Article 14 of the Constitution in the light of the decision of the Supreme Court and the principles laid down therein. The Tribunal has also directed the Government to implement the orders in the G.O. deleting para 3 thereof with the result that the orders will operate for all employees, irrespective of the date of retirement in determining the qualifying service for eligibility for pension and for computation of the pension payable.

3. The Government after careful consideration have decided to implement the judgement of the Tamil Nadu Administrative Tribunal in para 2 above and accordingly direct that orders issued in the G.O. read above be extended to those retired prior to 23.6.88 subject to the condition that pension or revised pension as the case may be will be paid from the date of G.O.Ms.No.437, Finance (Pension) dated 23.6.88 i.e., 23.6.88 and that there can be no claim for arrears in any case for the period upto 22.6.88.

4. These orders shall be applicable to Tamil Nadu Government Servants, employees of local bodies and aided educational institutions.

(BY ORDER OF THE GOVERNOR)

N. NARAYANAN.
SECRETARY TO GOVERNMENT.