

THE HON'BLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO.17982 OF 2023

ORDER:

Heard learned counsel for the petitioner, learned Government Pleader for Services-IV on behalf of respondent Nos.1 & 2 and Sri.P.C.Reddy, learned Standing Counsel appearing on behalf of respondent No.3.

2. This writ petition is filed seeking to declare the action of the respondents in not granting pensioner benefits of the petitioner by treating the service rendered as Public Health Worker i.e. NMR prior to his regularization by counting his services for computing qualifying service for pensioner benefits, as illegal, arbitrary and contrary to the orders passed in W.P.No.36199 of 2017, dated 22.09.2021.

3. Learned counsel for the petitioner in elaboration, submits that the petitioner was initially appointed as NMR against the Post of Public Health Worker on 28.10.1986. Thereafter, his services were regularized in the said post as per G.O.Rt.No.138, dated 03.02.2011

and accordingly, the respondent No.3 issued consequential order *vide* Rc.No.707/C1/1991, dated 07.03.2011.

4. The petitioner was retired from service on 30.06.2021 after attaining the age of superannuation. However, the grievance of the petitioner is that the petitioner was not granted pensionary benefits by treating the five years of his continuous service prior to his regularization as a NMR despite he is having qualifying service for pensionary benefits.

5. Learned counsel for the petitioner has also brought to the notice of this Court that under similar circumstances, a Writ Petition has been filed in W.P.No.36199 of 2017 wherein, this Hon'ble Court was pleased to pass the following order:

“In view of the above, this Writ Petition is allowed by setting aside the order, dated 31.08.2016, passed in O.A.No.2575 of 2016 by the Tribunal. Consequently, the 4th respondent is directed to reprocess the pension proposals of the petitioner for the purpose of sanctioning pension and pensionary benefits by treating his qualifying service from 1992 when he had completed five years of continuous service as NMR. Such exercise shall be undertaken within three (3) months from the date of communication of this order. No order as to costs.”

6. Since, the petitioner is similarly placed, prayed this Hon'ble Court to pass similar order.

7. On the other hand, learned Government Pleader for respondent Nos.1 & 2 filed his counter.

8. Learned Standing Counsel for Respondent No.3 has also filed his counter submitting that the case of the petitioner in W.P.No.36199 of 2017 was considered in pursuant of the orders, dated 22.09.2021 passed by this Court but However, states that it was considered as a special case, subject to certain conditions. However, as the petitioner also stands in the similar footing, he cannot be discriminated in view of the fact that the Service laws are to be uniformly followed with regard to all the methods.

9. In view of the facts and circumstances, this Court deems it appropriate to dispose of the Writ Petition directing the respondents to reprocess the pension proposals of the petitioner for the purpose of sanctioning pension and pensionary benefits by treating his qualifying service from 1992 when he had completed five years of continuous service as NMR on par with the employee in W.P.No.36199 of 2017. Such exercise shall be undertaken within three (3) months from the date of communication of this order. No order as to costs.

As a sequel, miscellaneous applications, pending, if any, shall also stand closed.

07th August, 2023
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