



WEB COPY

W.P.(MD)No.2497.



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on: 18.06.2026

Pronounced on: 14.07.2026

CORAM

THE HONOURABLE MRS JUSTICE S.SRIMATHY

WP.(MD) NO.24972 of 2022

and

WMP(MD) No.19087 of 2022

A.Ayyakutti

....Petitioner

-Vs-

1. The Principal Secretary to Government,
Revenue and Disaster Management Department,
Secretariat, Chennai - 600 009

2. The Additional Chief Secretary/ Commissioner of
Revenue Administration,
Ezhilagam,Chepauk, Chennai - 600 005

3. The District Collector,
Madurai District, Madurai.

...Respondents

For Petitioner(s): Mr.S.Visvalingam

**For Respondent(s): Mr.S.Siva Thilakar,
Counsel for State of Tamilnadu**

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records of the first respondent i.e., the Principal Secretary to Government, Revenue and Disaster

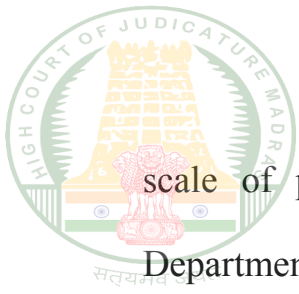


Management Department, Chennai in his Letter No. e-file. 8565/Ser.8(1) /2022-2 dated 01.10.2022 and quash the same and consequently direct the first respondent ie., the Principal Secretary to Government, Revenue and Disaster Management Department, Chennai to send pension proposals of the petitioner to the Accountant General, Chennai counting entire services of Village Assistant as per Tamil Nadu Village Assistant Pension Rules and the period of service of 7 days put in by the petitioner in the cadre of Office Assistant as per 11(i) of Tamil Nadu Pension Rules, within a specified time frame that may be fixed by this Court.

ORDER

The present Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus to quash the letter dated 01.10.2022 in Letter No.e-file. 8565/Ser.8(1) /2022-2 issued by the 1st respondent and consequently direct the 1st respondent to send pension proposals to the Accountant General by counting entire services of Village Assistant as per Tamil Nadu Village Assistant Pension Rules and the period of service of 7 days put in by the petitioner in the cadre of Office Assistant as per 11(i) of Tamil Nadu Pension Rules, within a specified time frame that may be fixed by this Court.

2. The brief facts of the case are that previously the petitioner was serving as Thalayari, then the petitioner was brought as Village Assistant with regular time



scale of pay with effect from 01.06.1995 as per G.O.(Perm)No.625 Revenue Department dated 06.07.1995 and had served from 01.06.1995 to 22.09.2020 for a

period of 25 years. Then the petitioner was promoted as an Office Assistant in the Taluk Office, Kallikudi, Madurai District from 23.09.2020 to 30.09.2020, i.e., for a period of 7 days and on attaining superannuation on 30.09.2020 the petitioner retired from service. A pension proposal was forwarded by including only 50% of the Village Assistant service from 01.06.1995 to 22.09.2020 along with Office Assistant service of 7 days service from 23.09.2020 to 30.09.2020. But the claim of the petitioner is that he is eligible for full pensionable service and not 50% service for the service rendered as Village Assistant. The petitioner submitted a representation to the Accountant General seeking revision of his pension. By Letter No. PEN 1/1/PT 14223/21-22/115/26534 dated 27.09.2021, the Accountant General informed that such a representation should be routed through the department in which he last served. Accordingly, the petitioner submitted a representation dated 11.06.2022 to the respondents, requesting the Government to direct the District Collector, Madurai, to forward revised pension proposals to the Accountant General by calculating the full service of Village Assistant from 01.06.1995 to 22.09.2020, together with the service rendered as Office Assistant from 23.09.2020 to 30.09.2020. Since no action was taken, the petitioner filed W.P.(MD) No. 15577 of 2022 and this Court vide order dated 19.07.2022 directed the respondents to consider and pass orders. Pursuant to the said direction the impugned order is passed. Aggrieved over the same



the present writ petition is filed.

WEB COPY

3. The respondents had filed counter stating that the said service as Village Assistant is not a regular service, they were not regularized and not a pensionable service. Hence, the petitioner is not entitled to pension for his entire service.

4. Heard Mr.S.Visvalingam Learned Counsel appearing for the petitioner, Mr.S.Siva Thilakar Learned Counsel for State of Tamilnadu appearing for the respondents and perused the records.

5. The issue raised in this writ petition was already considered by the Hon'ble Division Bench in the case of the Additional Chief Secretary to the Government, Revenue and Disaster Management Department and others Vs. K. Marimuthu and other in W.A.(MD)No.1200 of 2025 etc. wherein it is held as under:

“8. Thiru Veera Kathiravan, learned Additional Advocate General, produced the Government Order in G.O.Ms.No.73 Revenue and Disaster management [Ser.8(1)] Department, dated 13.02.2025,



WEB COPY

W.P.(MD)No.2497.



and submitted that the Government has considered the issue. In view of the anomaly, the Government has decided to follow one of the methods out of two methods of calculation whichever were more beneficial to the writ petitioner like persons subject to the result of this writ appeal and the excerpt of the G.O., is as stated below:

9. The Government have examined the matter in detail with a view to implement the common orders of the Hon'ble High Court of Madras dated 18.03.2024 in W.P.Nos.18582, 18742 of 2020 & W.P Nos. 11055, 26256, 11512 of 2021 and orders of the Hon'ble Madurai Bench of Madras High Court dated 14.03.2024 in W.P.(MD) No. 10819 of 2022, 13537, 20850 of 2023, 963, 964 and 965 of 2024. Accordingly, the Government, after due consideration, without prejudice to the petitioners' pension who have filed the above Writ Petitions in which the orders were passed by the Hon'ble High Court as on today and at the same time without prejudice to the rules in force, have decided to fix their pension as follows subject to outcome of the Writ Appeals filed in this regard and order accordingly: -

i. The pension to an employee who held a post with pensionable service under Tamil Nadu Village Assistants Pension Rules, 1995 and promoted subsequently as Village Administrative Officer even after 01.04.2003 shall be calculated as given below and the pension, whichever is higher shall be sanctioned.

(a) The pension shall be fixed by counting 50% of service rendered in the post of Village Assistant with effect from 01.06.1995 along with regular service of Village Administrative Officer/Office Assistant.

(or)



WEB COPY

W.P.(MD)No.2497.



(b) *The pension shall be fixed in the post of Village Assistant under Rule 7(i) of Tamil Nadu Village Assistant Pension Rules, 1995 had they continued without any promotion till superannuation.*

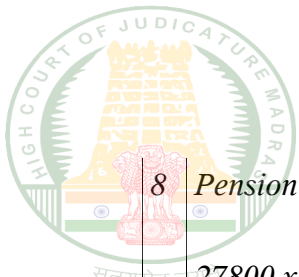
Illustration I

Net Qualifying Service

Village Assistant	21 years 3 months and 7 days
VAO/OA	5 years 10 months
Total	27 years 1 month and 7 days

Pensionary benefits admissible under Tamil nadu Pension Rules, 1978:

1	Date of Appointment as Village Assistant	01.06.1995
2	Promoted as Village Administrative Officer	07.09.2016
3	Date of Retirement	31.07.2022
4	50% of Village Assistant Service (from 01.06.1995 to 06.09.2016)	10 years 7 months 18 ½ days
5	Served as Village Administrative Officer	5 years and 10 months
6	Total Qualifying Service	10-07-18 5-10- x ----- 16-05-18 -----
7	Last Pay drawn	Rs.27,800/-



8 Pension

27800 x 33

2 x 60

Rs.7,645/-

Raised to minimum of

Rs.7,850/-

Illustration II

Net qualifying service: 27 years 1 Month

pensionary benefits as per Tamil Nadu Village Assistant pension Rules 1995:

1	<i>Date of Appointment as Village Assistant</i>	<i>01.06.1995</i>
2	<i>Date of Retirement</i>	<i>31.07.2022</i>
3	<i>100% of Village Assistant Service (From 01.06.1995 to 31.07.2022)</i>	<i>27 years 1 month</i>
4	<i>Last Pay Drawn</i>	<i>Rs.23,200/-</i>
5	<i>Pension</i>	<i>Rs.10,440/-</i>

The last pay drawn should be taken in the post of Village Assistants had they continued without any promotion till superannuation.

In this case, the higher pension of Rs.10,440/- shall be sanctioned to the above Writ Petitioners alone, subject to the out come of Writ Appeals filed in the Hon'ble High Court of Madras.

9. In view of the submission of Thiru.M.Ajmal Khan, learned



WEB COPY

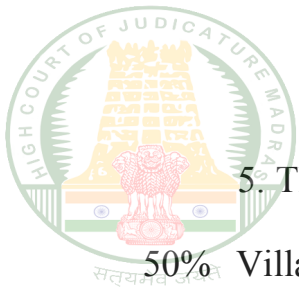
W.P.(MD)No.2497.



Additional Advocate General, on instructions, from the Government, the service of the Village Assistants from the date of the appointment could not be termed as “non-provincialized” service, this Court is inclined to hold that, in all subject matters of these cases before this Court where a Village Assistant is promoted as Village Administrative Officer, the full service rendered as Village Assistant after 01.06.1995 as well as Village Administrative Officer shall be taken into account for computing the pensionary benefits. In view of the above finding that Village Assistant service is not termed as non-provincialized service, reliance of the G.O.Ms.No.73 Revenue and Disaster management [Ser.8(1)] Department, dated 13.02.2025, subject to the result of these Writ Appeals need not be considered. Therefore, the writ Court had correctly directed the Government to reckon the writ petitioner's full regular service rendered as a Village Assistant and Village Administrative Officer as qualifying service and this Court finds no merit in these appeals and all the appeals are liable to be dismissed.

10. Accordingly, the order of the writ court does not warrant any interference, and all the writ appeals are dismissed. The respondents are directed to disburse the pensionary benefits within a period of six weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.”

The Hon’ble Division Bench had considered the issue and has held that there is discrepancy in the Tamil Nadu Pension Rules, 1978. Further held that the Village Assistant had been promoted as Village Administrative Officer or Office Assistant, then the full service rendered as Village Assistant ought to be taken for granting pension and not 50% of Village Assistant service.



5. This Court is of the considered opinion there is no rational to state that only 50% Village Assistant service would be taken for granting pension. Further following the judgment rendered by Hon'ble Division Bench, this Court is also of the considered opinion that the petitioner is entitled for pension by taking full Village Assistant service from 01.06.1995 to 22.09.2020, together with the service rendered as Office Assistant from 23.09.2020 to 30.09.2020.

6. For the reasons stated supra, the impugned order is quashed and the respondents are directed to grant pension to the petitioner by taking full Village Assistant service from 01.06.1995 to 22.09.2020, together with the service rendered as Office Assistant from 23.09.2020 to 30.09.2020 within a period of 12 weeks from the date of receipt of the copy of the order. Accordingly, the Writ Petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

KSA

14.07.2026



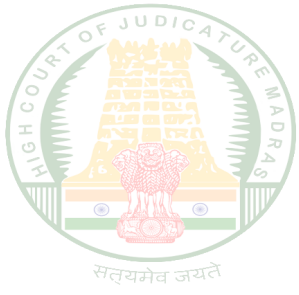
W.P.(MD)No.2497.



WEB COPY

To

1. The Principal Secretary to Government,
Revenue and Disaster Management Department,
Secretariat, Chennai - 600 009
2. The Additional Chief Secretary/ Commissioner of
Revenue Administration, Ezhilagam,Chepauk,
Chennai - 600 005
3. The District Collector,
Madurai District, Madurai



WEB COPY

W.P.(MD)No.2497.



S.SRIMATHY.J

KSA

Order made in

W.P(MD)NO.24972 OF 2022



WEB COPY

W.P.(MD)No.2497.



DATE: 14.07.2026