

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.07.2015

CORAM

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

W.P.No.20273 OF 2015

S.Muniappan

[PETITIONER]

Vs

1 The Government of Tamilnadu
Rep by the Secretary to Government
Finance (Pension) Department
Fort St. George, Chennai 600 009.

2 The Principal Accountant
General (Accounts & Entitlements) Tamil Nadu,
361 Anna Salai, Chennai 600 018.

3 The Collector
Erode, Erode District.

4 The Revenue Divisional Officer
Erode, Erode District.

[RESPONDENTS]

Writ petition is filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus to call for the records relating to the impugned order of the 4th respondent in Na. Ka. 6180/2010/A2 dt 1.2.2013 and quash the same and direct the respondents to count 50% of the service rendered by the petitioner on consolidated pay in the post of Village Karnam from 17.4.1972 to 14.11.1980 along with the service rendered in the post of Village Administrative Officer from 22.8.1994 to 31.5.2004 as qualifying service for the purpose of pension and grant him all consequential benefits.

For Petitioner : Mr.P.Manoj Kumar

For Respondents : Mrs.M.E.Rani Selvam
Addl.Govt. Pleader

O R D E R

With the consent of the learned counsel appearing on either side, the Writ Petition is taken up for final disposal at the admission stage itself.

2.The petitioner was initially appointed as Village Karnam at Odanalli Village, Thiruchengode Taluk on 17.04.1972 and worked upto 14.11.1980, till the post was abolished by the Tamil Nadu Government. Thereafter, he was selected and appointed to the post of Village

Administrative Officer on 22.08.1994 and retired from service on 31.05.2004, on reaching the age of superannuation.

3.The Department sent a proposal to the second respondent by counting 50% of the services rendered by the petitioner from 17.4.1972 to 14.11.1980, along with regular service for the purpose of calculating pension. However, the second respondent returned the proposal by an order dated 01.02.2013, on the ground that petitioner has only worked as part-time Village Karnam upto 14.11.1980, and therefore, the said period cannot be counted for the purpose of pension. Hence, the petitioner has filed this Writ Petition to quash the aforesaid order of the second respondent dated 01.02.2013.

4.The learned counsel for the petitioner has placed heavy reliance on G.O.Ms.No.39, Rural Development and Panchayats (E-5) Department dated 13.06.2011, wherein the Government issued a direction to count 50% of the service in the case of Part time service rendered by the Panchayat Assistant, Grade- I & Grade-II. Based on the said Government Order, this Court by an order dated 04.09.2014, in W.P.No.24013 of 2014, directed the Accountant General to count 50% of the services rendered by Part time Village Karnam, along with regular service. Further, this Court in the case of R.RAGUPATY v. STATE OF TAMIL NADU REP. BY ITS SECRETARY TO GOVT. SCHOOL EDUCATION reported in [(2012) 3 MLJ 12], held that when the Government has chosen to count 50% of the services rendered as Part-time Panchayat Assistants, Grade-I & Grade-II, for pensionary benefits, the same treatment cannot be denied to others who were subsequently regularised in service, after rendering part-time service and belonging to other Departments.

5.Admittedly, in this case the Department has chosen to count 50% of the services rendered by the petitioner as a Part-Time Village Karnam. Though the Department has sent a proposal, the Accountant General, second respondent herein returned the same.

6.For the aforesaid reasons, the order impugned in this Writ Petition is set aside and the matter is remanded back to the second respondent. The fourth respondent is directed to re-submit the proposal to the second respondent, within a period of six weeks from the date of receipt of a copy of this order and on receipt of the same, the second respondent is directed to pass appropriate orders, in the light of the relevant Government Order namely G.O.39 and the Judgments, referred to above, within a period of four weeks thereafter. No costs.

The Writ Petition is allowed on the above terms. No costs.

Sd/-
Assistant Registrar

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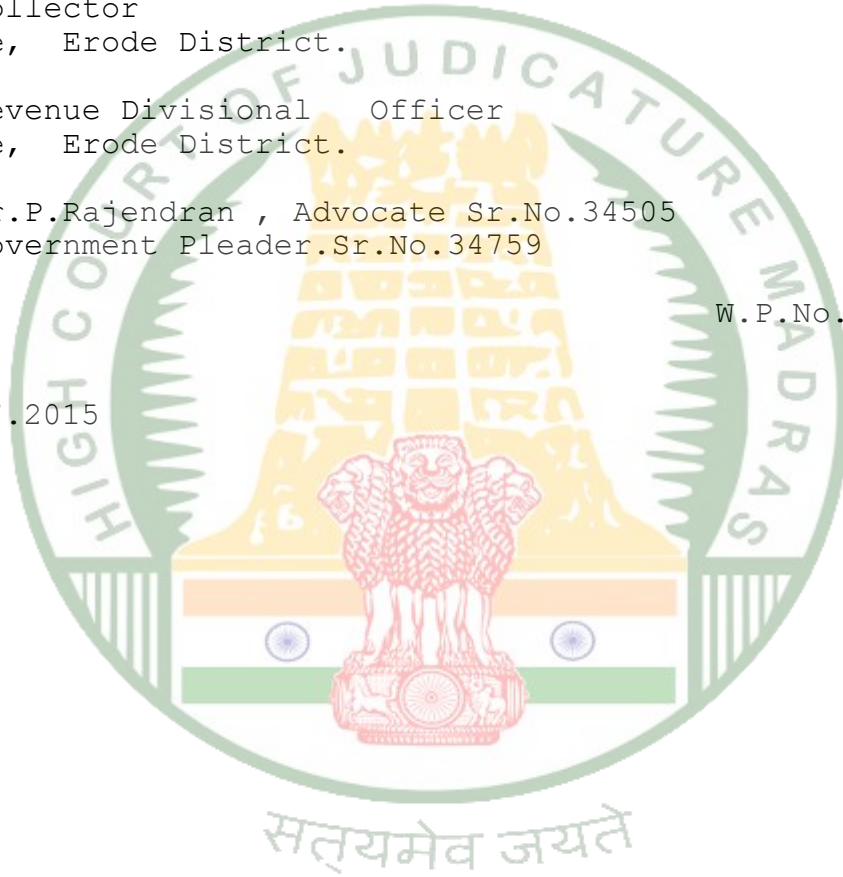
Sub Assistant Registrar

To

- 1 The Government of Tamilnadu
Rep by the Secretary to Government
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 - 3 The Collector
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 - 4 The Revenue Divisional Officer
Erode, Erode District.
- 1 cc to Mr.P.Rajendran , Advocate Sr.No.34505
1 cc to Government Pleader.Sr.No.34759

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