

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.8.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.27096 of 2015

R.Natarajan

...Petitioner

-Vs-

- 1 The Government of Tamilnadu
Rep. by its Secretary Revenue Department
Fort St. George Chennai-9.
- 2 The Commissioner for Revenue
Administration Chepauk Chennai-5.
- 3 The District Collector
Nagapattinam District Nagapattinam.
- 4 The Revenue Divisional Officer
Myladuthurai-609 001.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to pay the retiral benefits viz. pension under Tamilnadu Pension Rules 1978 and DCRG by reckoning the petitioner appointment as VAO notionally from 01.01.2000 the GPF amount calculated after taking the amount recovered from the petitioner for Contributory Pension Scheme, the amount recovered from the petitioner towards the Contributory Pension Scheme after adjusting the same towards GPF Contribution amount due to the encashment of EL as per rules and amount due to the Special Provident Fund recovered from the petitioner till the retirement within a time frame.

For Petitioner : Mr.N.Subramaniyan

For Respondent : Mr.V.Subbiah, Spl. G.P

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The petitioner would state that in terms of the policy decision, the post of erstwhile Village Headman was abolished on 14.11.1980 and directions were issued to appoint qualified persons holding the post as Village Administrative Officer. It is the specific claim of the petitioner that though he was qualified to be appointed as Village Administrative Officer, he was not given appointment and therefore, filed O.A.No.218 of 1999 on the file of the Tamil Nadu Administrative Tribunal. The Tribunal vide order dated 12.01.1999, has directed to consider and dispose of the petitioner's representation within a stipulated time.

3. Thereafter, the petitioner was given appointment as Village Administrative Officer and he has also joined duty on 28.10.2005 and continuously worked in that capacity without any break. The Sub Collector, Mayiladuthurai vide proceedings dated 30.4.2015 has permitted the petitioner to go on superannuation and accordingly, retired from the said post on 30.4.2015. The grievance expressed by the petitioner is that though he is entitled to pensionary and attended benefits, he has not been conferred with the same and in this regard, has repeatedly sent representations to the respondents. Since no orders have been passed, came forward to file this writ petition.

4. The learned counsel for the petitioner would submit that vide proceedings of the Tahsildar, Mayiladuthurai dated 11.05.2015, he has been conferred with the benefit of pay fixation and however, his retirement benefits are yet to be considered and hence, prayed for appropriate orders.

5. This Court heard the submissions of Mr.V.Subbiah, Special Government Pleader, who accepts notice on behalf of respondents 1 to 4.

6. Though the petitioner prayed for a larger relief, this Court, in the light of the facts and circumstances, directs the first respondent to consider and dispose of the petitioner's representation dated 04.05.2015 on merits and in accordance with law and pass orders within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

7. This Writ Petition is disposed of accordingly. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

- 1 The Secretary, Government of Tamilnadu
Revenue Department
Fort St. George Chennai-9.
- 2 The Commissioner for Revenue
Administration Chepauk Chennai-5.
- 3 The District Collector
Nagapattinam District Nagapattinam.
- 4 The Revenue Divisional Officer
Myladuthurai-609 001.

+1cc to Mr.N. Subramanian, Advocate, S.R.No.46638

+1cc to the Government Pleader, S.R.No.46848

AK(CO)
EU(24/09/2015)

W.P.No.27096 of 2015



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