



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.10.2015

CORAM :

THE HONOURABLE MR.JUSTICE R.SUDHAKAR

and

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Appeal (MD) No.763 of 2015

- 1.The Principal Secretary to
Government of Tamil Nadu
Rural Development and Panchayat Raj Dept.,
Fort St.George,
Chennai - 600 009.
 - 2.The Director of Rural Development and Panchayat Raj Dept.,
Panagal Building, Chennai,
 - 3.The District Collector,
Theni, Theni District.
- ... Appellants
- Vs.
- 1.T.Gopala Krishnan
 - 2.S.Balasubramanian
 - 3.K.Ganesan
 - 4.R.Narayanan
 - 5.S.Muthusamy
 - 6.S.Gnanasundaram
 - 7.S.Karuppanan
 - 8.B.Muthuraj
 - 9.Sahul Hameed
 - 10.R.Ramachandran
- ... Respondents

Writ Appeal filed under Section 15 of Letters Patent Act against the order dated 18.09.2014 passed in WP(MD)No.17543 of 2013 by this Court.

Prayer in WP(MD). 17543/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus call for the records in connection with impugned order passed by the 1st respondent in G.O.MS.No. 77 dated 12.7.2013 and quash the same and consequently direct the 1st respondent to count the services rendered by the petitioners in the post of part time Panchayat Clerks for the purpose of pension and other retiral benefits together with all consequential benefits.

For Appellants : Mr.A.K.Baskarapandian
Spl.Govt.Pleader

For Respondents : Mr.N.Sathishbabu

JUDGMENT

(Judgment of the Court was delivered by R.SUDHAKAR,J.)

This writ appeal is directed against the order passed by the
<https://hcservicescourts.gov.in/fcservice/> Judge in WP(MD)No.17543 of 2013, dated 18.09.2014.

2.Mr.A.K.Baskarapandian, learned Special Government Pleader



submitted that the issue involved in this writ appeal has already been dealt with by this Court in WA(MD)No.1028 of 2015, dated 30.09.2015.

3.Paragraphs - 6 and 7 of the said order read as follows:

"6.The plea of the learned Special Government Pleader that after coming into effect G.O.Ms.No.79, dated 12.07.2013, there is no question of granting benefit in relation to Part Time Panchayat Clerk. That contention has also been repelled by the learned Single Judge at paragraph 12 of the order by placing reliance on clause 4(c) of the Government Order stating that benefits given to the pensioners in accordance with G.O.Ms.No.39, Rural Development and Panchayat Raj Department, dated 10.06.2011 need not be disturbed. The learned Single Judge further held that G.O.Ms.No.39 has accrued a right to those employees who have retired when it was in force and that cannot be taken away because of delay in sanctioning or for administrative reasons. Therefore, there is no conflict between G.O.Ms.No.39 dated 10.06.2011 and G.O.Ms.No.77 dated 12.07.2013. We are inclined to accept the view of the learned single Judge that saving clause 4 (c) of the Government Order in G.O.Ms.No.77 shall apply in all force to the employees who have retired when G.O.Ms.No.39 was in force and that is the tenor of the order passed by the learned single Judge.

7.In view of the above, we find no illegality or perversity in the order passed by the learned single Judge warranting interference by this Court. Hence, the writ appeal is dismissed. No costs. Consequently, M.P(MD)No.2 of 2015 is closed."

4.Following the said judgment, this writ appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(record)

/True copy/

Sub AssistantRegistrar

To

- 1.The Principal Secretary to
Government of Tamil Nadu
Rural Development and Panchayat Raj Dept.,
Fort St.George,
Chennai - 600 009.
 - 2.The Director of Rural Development and Panchayat Raj Dept.,
Panagal Building, Chennai
 - 3.The District Collector,
Theni, Theni District.
- +1cc to M/s.N.Sathish babu, Advocate SR.No.64028/15
+1cc to special Government Advocate SR.No.64328/15

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