

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:28.04.2016

CORAM

THE HON'BLE MR.JUSTICE T.RAJA

W.P.No.16049 of 2016

T.Murugesan

.. Petitioner

vs

1.District Revenue Officer,
Thiruvarur, Thiruvarur District.

2.Revenue Divisional Officer,
Mannargudi, Thiruvarur District.

3.Tahsildar,
Thiruthuraipoondi Taluk,
Thiruthuraipoondi,
Thiruvarur District.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondents to revise the pension counting the entire services rendered by the petitioner from 25.04.1973 to 31.12.2011 and sanction full pension by considering the representation made by the petitioner dated 08.03.2016.

For Petitioner : Mr.P.Ganesan

For Respondents : Mr.R.Vijayakumar,
Additional Government Pleader

ORDER

The petitioner has come to this Court, seeking a direction to the respondents to revise the pension counting the entire services rendered by him from 25.04.1973 to 31.12.2011 and sanction full pension by considering the representation made by him on 08.03.2016.

2.The grievance of the petitioner is that he was appointed temporarily in leave vacancy as Village Assistant on 26.10.1972. Thereafter, when the regular vacancy arose in Kunnur Village, he was again appointed as Village Assistant on 25.04.1973 and his services were also regularised. At the time of his appointment, it was only a part time post. Therefore, a representation was made by the Association of the Village Assistants. In the meanwhile, the

post of Village Assistants became full time Government Service, by virtue of G.O. Ms. No.625, Revenue Department dated 06.07.1995. The petitioner after rendering his continuous service, was retired from service on reaching the age of superannuation on 31.12.2011. Though the services rendered by the petitioner from 01.06.1995 to 31.12.2011 were counted for pension, the period from 25.04.1973 to 31.05.1995 were not counted by the respondents, as it was a part time service rendered by him.

3.Learned counsel appearing for the petitioner would submit that when in a similar circumstance, one Village Assistant namely K.Raman Nair was denied pension for the part time period, he approached the Madurai Bench of this Court in W.P. (MD) No.1716 of 2005 and this Court allowed the writ petition by order dated 24.08.2007. As against the judgment in the above writ petition, Writ Appeal in W.A. No.16 of 2009 was filed before the Division Bench of this Court and the same was dismissed by judgment dated 16.02.2009. As against the same, Special Leave Petition filed before the Hon'ble Apex Court in S.L.P. No.21683 of 2009 was also dismissed. In view of the said order passed, the Government has issued a Government Order in G.O. Ms. No.33, Revenue Department dated 25.01.2010. Therefore, the petitioner made a representation to the respondents on 08.03.2016, enclosing the said Government Order, requesting to count the entire period of service rendered by him and sanction full pension. But till date there is no response from the respondents.

4.Heard the learned counsel appearing for the petitioner. Mr.R.Vijayakumar, learned Additional Government Pleader, who takes notice on behalf of the respondents, sought twelve weeks time to consider the petitioner's representation.

5.Therefore, the respondents are directed to consider the petitioner's representation, in the light of the order mentioned above so as to revise the pension counting the entire services rendered by the petitioner from 25.04.1973 to 31.12.2011 and pass appropriate orders, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6. Accordingly, this writ petition is disposed of. No costs.

Sd/-

Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

vga

To

1.District Revenue Officer,
Thiruvavarur, Thiruvavarur District.

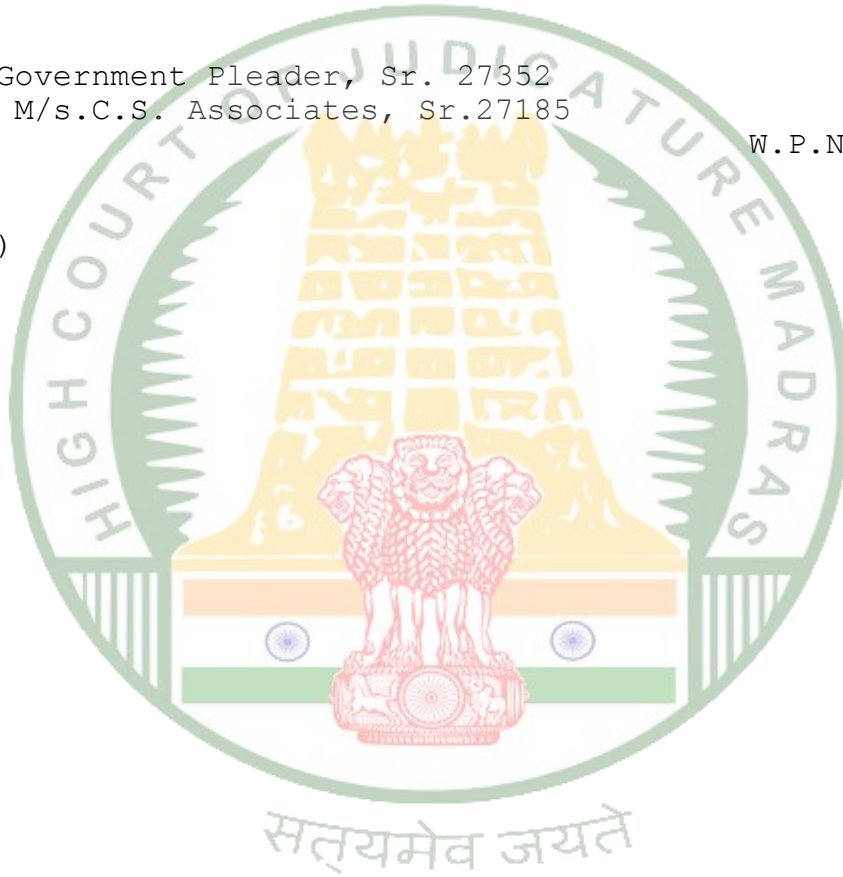
2.Revenue Divisional Officer,
Mannargudi, Thiruvavarur District.

3.Tahsildar, Thiruthuraipoondi Taluk,
Thiruthuraipoondi,
Thiruvavarur District.

1 cc to Government Pleader, Sr. 27352
1 cc to M/s.C.S. Associates, Sr.27185

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