

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.6.2016

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE M.V.MURALIDARAN

Writ Appeal No.612 of 2016

1. The Government of Tamil Nadu
rep. by its Secretary to Government
Rural Development & Panchayat
Raj Department
Fort St. George
Chennai 9.
 2. The Principal
Secretary to Government of Tamil Nadu,
Finance Department, East Saint George,
Chennai-9.
 3. The Commissioner of Rural Development
and Panchayat Raj, Panagal Building
Saidapet, Chennai 15.
 4. The District Collector
Erode District
Erode.
- ... Appellants

1. M.Rajendran
 2. The Principal Accountant General (A&E)
Tamil Nadu
361, Anna Salai
Chennai.
- .. Respondents

Appeal under Clause 15 of the Letters Patent against the order of the learned single Judge dated 27.6.2014 made in W.P.No.26583 of 2013 on the file of this Court. Petition filed under Article 226 of the constitution of India praying this Hon'ble Court to issue a writ of Certiorari Mandamus to call for the records pertaining to Paragraph 4(b) of G.O.Ms.No.77 Rural Development and Panchayat Raj (PA4) Department dated 12.7.2013 of the first respondent in so far it relates to the petitioner and quash the same and further direct the respondents to count 50% of the services rendered by the petitioner in the

post of part time Panchayat Clerk along with regular service for the purpose of pension in accordance with G.O.Ms.No.39 Rural Development Department and Panchayat Raj dated 13.06.2011

For Appellants : Mrs.A.Srijayanthi, Spl.G.P.
For Respondent-1: Mr.V.Suthakar

J U D G M E N T
(Delivered by Huluvadi G.Ramesh,J)

This appeal has been preferred against the order dated 27.6.2014 made in W.P.No.26583 of 2013.

2. Heard the learned Government Pleader for the appellants and the learned counsel for the first respondent.

3. The grievance of the first respondent is that the services rendered by him as Part Time Panchayat Clerk was not taken into consideration while calculating pension. Therefore, he filed a writ petition and the same was allowed on 27.6.2014, along with similar writ petitions, holding that 50% of the services rendered by the writ petitioners as Part Time Panchayat Clerk should be taken into account while calculating pension and directing the concerned authority to calculate and issue orders granting pension and other benefits within a period of three months and to implement the same within a period of one month thereafter. Aggrieved by the same, the appellants have come up with this appeal.

4. As against the order of the learned single Judge dated 27.6.2014 passed in a batch of writ petitions, one of the writ petitioner, filed W.A.No.431 of 2016. A Division Bench of this Court, by judgment dated 11.4.2016, dismissed the appeal, holding that the learned single Judge had rightly concluded that the 50% of the services rendered by the petitioners therein under the consolidated pay by way of part time employment has to be taken into account for pensionary benefits.

5. In view of the decision of the Division Bench of this Court dated 11.4.2016 made in W.A.No.431 of 2016, this writ appeal is also dismissed in terms of the above judgment. There shall be no order as to costs. Consequently, CMP No.8080 of 2016 is closed.

Sd/-
Assistant Registrar(CS IV)

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Sub Assistant Registrar

kpl

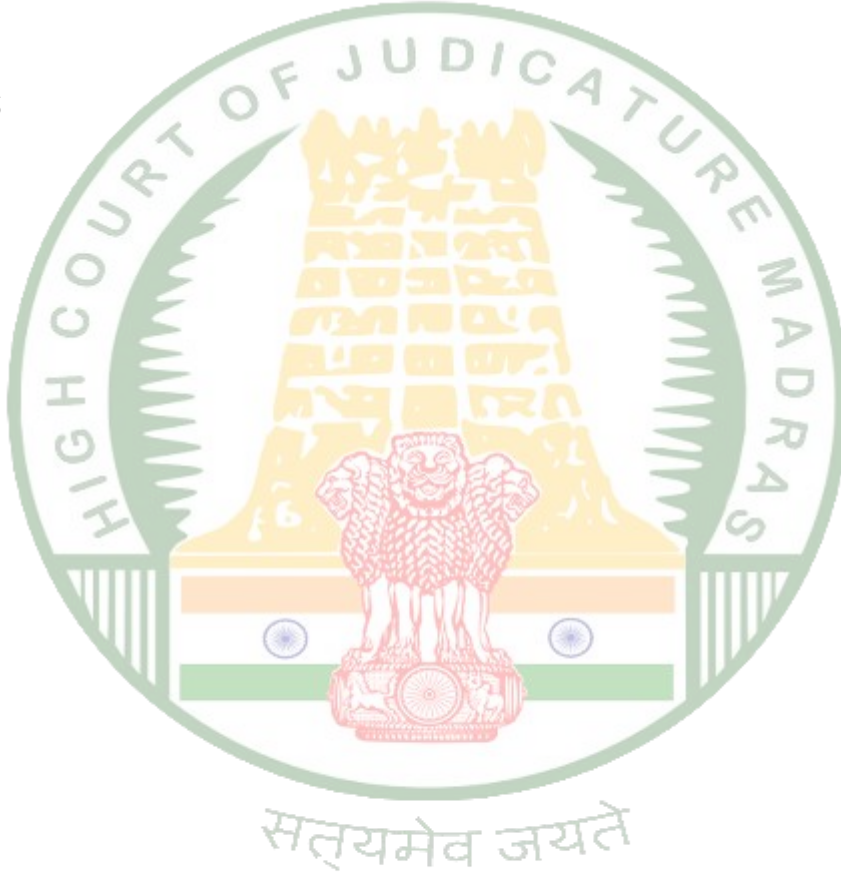
To

The Principal Accountant General (A&E)
Tamil Nadu, No.361 Anna Salai,
Chennai 600 018.

+ 1 cc to Mr.V. Suthakar, Advocate SR.35513

W.A.No.612 of 2016.

SV (CO)
Eu 28.7.16



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