

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.34892 & 34893 of 2016
and
W.M.P.Nos.30045 & 30046 of 2016

1. M.Shanmugaiah (PPO.No.C215147/RD)
2. S.Alagupandi (PPO.No.C226514/RD)
3. S.Subramanian (PPO.No.C63524/RD)
4. K.Soundarapandian (PPO.No.RO314227/RD)

... Petitioners in W.P.34892/2016

1. T.Arunachandrasekar
2. A.Sankaranarayanan
3. P.Gurusamy
4. P.Chelladurai

... Petitioners in W.P.34893/2016

vs.

1. The Government of Tamil Nadu,
rep. by its Principal Secretary to Government,
Rural Development & Panchayat Raj Department
Fort St. George,
Chennai - 600 009.
2. The Director of Rural Development &
Panchayat Raj,
Panagal Building,
Saidapet, Chennai - 600 015.
3. The Principal Accountant General
(A & E) Tamil Nadu,
No.361, Anna Salai,
Chennai - 600 018.
4. The District Collector,
Tuticorin District,
Tuticorin.

... Respondents in both W.Ps

Writ petitions have been filed under Article 226 of the
Constitution of India, praying for a Writ of certiorarified

mandamus, to call for the records pertaining to paragraph 4(b) of G.O.Ms.No.77 Rural Development and Panchayat Raj department dated 12.07.2013 of the first respondent and quash the same in so far relates to not counting the services rendered by the petitioner in part time panchayat clerk along with regular service for the purpose of pension and direct the respondents to count 50% services rendered in the post of panchayat clerk from 01.02.1982 till 28.06.1998 (W.P.34892 of 2016) along with regular service for the purpose of granting pension.

For Petitioners in both W.Ps : Mr.R.Suthakar

For Respondents in both W.Ps : Mr.A. Zakir Hussain
Government Advocate
for R1 & R2

: Mr. V.Vijayashankar
for R3

COMMON ORDER

By consent, the main writ petitions itself are taken up for final disposal.

2. The petitioners have come up with the present writ petitions for a certiorarified mandamus to call for the records pertaining to paragraph 4 (B) of G.O.Ms.No.77 Rural Development and Panchayat Raj department dated 12.07.2013 of the first respondent and quash the same in so far relating to non counting the services rendered by the petitioner in part time Panchayat clerk along with regular service for the purpose of pension and direct the respondents to count 50% of services rendered in the post of Panchayat clerk along with regular service for the purpose of granting pension.

3. It is the case of the petitioners that they were initially appointed as a part time panchayat clerk. Subsequently, they were promoted as Junior Assistants and retired from service on attaining their age of superannuation.

4. The 4th respondent has granted pension only by calculating their regular government service and refused to take 50% of part time panchayat service by virtue of G.O.Ms.No.77 Rural Development Department dated 12.07.2013 issued by the first respondent. In the said G.O., the guidelines issued in G.O.Ms.No.39 Rural Development Department and Panchayat Raj dated 13.06.2011 has been modified to the effect that the services rendered by part time Panchayat Clerk, Panchayat

Assistant Grade-I & II, who worked in part time post shall not be taken into account, for the purpose of pension. Hence, the petitioner has come forward with the present petition.

5. The learned counsel for the petitioners submitted that W.P.Nos.23847, 24338, 26583, 26785 and 28878 of 2013 have been filed to quash the paragraph 4(b) of G.O.Ms.77 Rural Development and Panchayat Raj (PA4) Department dated 12.07.2013 issued by the first respondent and to count 50% of the services rendered by them 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. The said Writ petitions were allowed by this Court on 27.06.2014. The Writ Appeal in W.A.No.259 of 2016 has been preferred by the Government, as against the order of the learned Single Judge and the same was also dismissed by this Court on 10.03.2016. Thus, the learned counsel for the petitioners pray this Court to give the same direction to the respondents to count 50% of service rendered in part time in the Panchayat clerk from 01.06.1972 to 20.01.1993 along with their regular service for the purpose of granting pension.

6. Heard the submissions of the learned counsel for the petitioners and the learned Government Advocate appearing for the respondents 1, 2 & 4 and the learned counsel appearing for R3.

7. Since already this Court has quashed paragraph 4(b) of G.O.Ms.No.77 Rural Development and Panchayat Raj department dated 12.07.2013 of the first respondent, there is no necessity to consider the said prayer. However, the petitioners are directed to give a representation before the 4th respondent along with a copy of this order within a period of two weeks from the date of receipt of a copy of the Order. On receipt of the same, the concerned respondents are directed to pass appropriate order, in the light of the judgment made in W.A.Nos.259 of 2016 and 612 of 2016 within a period of six weeks thereafter.

8. With the above direction, these Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mrp

To

1. The Principal Secretary to Government,
Government of Tamil Nadu,
Rural Development & Panchayat Raj Department
Fort St. George,
Chennai - 600 009.

2. The Director of Rural Development &
Panchayat Raj,
Panagal Building,
Saidapet, Chennai - 600 015.

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

4. The District Collector,
Tuticorin District,
Tuticorin.

+2cc's to Mr.V.Vijayashankar, Advocate, S.R.Nos.57002 & 57003
+2cc's to Mr.R.Suthakar, Advocate, S.R.No.57244

W.P.No.34892 & 34893 of 2016

RK(CO)
CA(09/11/2016)

सत्यमेव जयते

WEB COPY