

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.34921 of 2016

A.Savarimuthu

... Petitioner

vs.

1.Government of Tamil Nadu,
rep. by its Secretary to Government,
Revenue Department,
Fort St. George, Chennai-9.

2.The Commissioner of Revenue
Administration,
Chepauk, Chennai-5.

3.The District Collector,
Sivagangai District,
Sivagangai.

.... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to grant minimum pension to the petitioner in the post of Village Administrative Officer taking note of G.O.Ms.No.148, Revenue Department dated 20.4.2011 by considering his representations dated 9.1.2013 and 24.6.2016 with all consequential monetary benefits within a period that may be stipulated by this Court.

For Petitioner : Mr.S.Mani

For Respondents : Mr.Gunasekaran,
Addl. Govt. Pleader

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondents to grant minimum pension to him in the post of Village Administrative Officer taking note of G.O.Ms.No.148, Revenue Department dated 20.4.2011 by considering his representations dated 9.1.2013 and 24.6.2016 with all consequential monetary benefits within a period that may be stipulated by this Court.

3. It is the case of the petitioner that he was appointed as Village Karnam in the Revenue Department on 16.11.1978, in the vacancy caused due to the order of dismissal passed against the then Village Karnam, who was holding the said post. Aggrieved over the same, the then Village Karnam preferred a revision and succeeded in getting the order of dismissal set aside. Hence, in order to accommodate him, the service of the petitioner was ousted on 17.7.1979. Thereafter, on 14.11.1980, the post of Village Karnam itself was abolished and subsequently, based on the order passed by the Hon'ble Supreme Court, several persons were given appointment in various posts. Hence, the petitioner submitted a representation dated 17.2.1997 seeking employment. Since the same was not considered, he filed O.A.No.3031 of 1998 before the Tamil Nadu Administrative Tribunal and the Tribunal issued a direction to the respondents, pursuant to which, the petitioner was appointed as Village Administrative Officer. After rendering three years of service, he reached the age of superannuation and retired from service on 28.5.2004. Considering the plight of the Village Administrative Officers, who, after their retirement, could not get any monetary compensation in the form of pension, the Government has issued various orders including G.O.Ms.No.756, Revenue Department dated 17.8.1993 granting minimum pension to the Village Administrative Officers. This Court has also considered similar issue and directed the respondents herein to grant minimum pension to the Village Administrative Officers, retired from the revenue department. In this regard, he sent various representations to the respondents seeking pension. Since the same was not considered so far, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioner and the learned Government Advocate, who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim projected by the petitioner, this Court directs the petitioner to send a fresh representation along with a copy of this order to the respondents within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the respondents are directed

to consider the said representation seeking minimum pension to the petitioner in the post of Village Administrative Officer and pass appropriate orders, on merits and in accordance with law and also taking note of G.O.Ms.No.148, Revenue Department dated 20.4.2011, within a period of six weeks thereafter. The writ petition is disposed of accordingly. No costs.

sbi

Sd/-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Secretary to Government,
Government of Tamil Nadu,
Revenue Department,
Fort St. George, Chennai-9.

2.The Commissioner of Revenue
Administration,
Chepauk, Chennai-5.

3.The District Collector,
Sivagangai District,
Sivagangai.

+ 1 cc to Mr.S.Mani, Advocate SR 56650

+ 1 cc to Govt.Pleader, High Court Madras Sr 57186

KR/22/10/16

W.P.No.34921 of 2016

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