

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.36938 of 2016

M.Subramaniam

...Petitioner

.vs.

1.The Government of Tamil Nadu,
Rep. by its Secretary to Government,
Revenue Department, Secretariat,
Chennai - 600 009.

2.The Commissioner of Revenue Administration,
Chepauk, Chennai - 600 005.

3.The District Collector,
Krishnagiri District,
Krishnagiri.

...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 as per G.O.Ms.No.182, and G.O.Ms.No.183, Revenue Department [Service 8(2)] Department, both dated 01.07.2016, by considering the petitioner's representation dated 30.09.2016 with all consequential monetary benefits within a period that may be stipulated by this Court.

For Petitioner : Mr.M.P.Saravanan

For Respondents : Mr.K.Dhananjayan,Spl.GP

ORDER

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

2. The Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondents to grant minimum pension to the petitioner in the post of Village Administrative Officer as per G.O.Ms.No.182, and G.O.Ms.No.183, Revenue Department [Service 8(2)] Department, both dated 01.07.2016, by considering the petitioner's representation dated 30.09.2016 with all consequential monetary benefits within a period that may be stipulated by this Court.

3. The case of the petitioner is that he was appointed as Village Karnam/Headman on 26.05.1976 and was working in Ulagam Village, Dharmapuri District, till 14.11.1980, the date on which the post of Village Karnam was abolished by promulgating an ordinance by the Government of Tamil Nadu. After abolition of the post of Village Karnam, G.O.Ms.No.756, Revenue Department, dated 17.08.1993, granting minimum pension to the Village Administrative Officers, was issued. Thereafter, the petitioner was appointed as Village Administrative Officer on 02.06.2000 and retired from service on attaining the age of superannuation on 31.08.2007 as VAO.

4. The further case of the petitioner is that the Government also passed an order in G.O.Ms.No.148, Revenue Department (Service 8(2)) Department, dated 24.04.2011, wherein it was stated that those who were appointed as Village Administrative Officers are eligible for pension not from the date of their reappointment in the post of Village Administrative Officer, but from 14.11.1980, the date on which they were ousted from the post of Village Karnam/Headman.

5. It is also the case of the petitioner that in similar circumstances, one Mr.S.Gopalakrishna Reddy and N.Sathya Narayanan, retired Village Administrative Officers have filed Writ Petitions before this Court in W.P.Nos.11397 and 11399 of 2015 seeking minimum pension and this Court by order dated 20.04.2015 has directed the Government to sanction minimum pension to them and accordingly, the Government has granted minimum pension to them in G.O.Nos.182, 183 dated 01.07.2016 cited above. Therefore, the petitioner also approached the respondents by giving representation on several occasions, lastly on 30.09.2016 and the same is still pending. Hence, the present Writ Petition.

6. Heard the learned Counsel for the petitioner and the learned Special Government Pleader who has taken notice on behalf of the respondents.

7. Considering the facts and circumstances of the matter, without expressing any opinion regarding the merits of the claim

made by the petitioner, this Court directs the respondents to consider the representation of the petitioner dated 30.09.2016 and to pass orders on merits and in accordance with law and also in the light of the G.O.Ms.No.182, and G.O.Ms.No.183, Revenue Department [Service 8(2)] Department, both dated 01.07.2016, within a period of eight weeks from the date of receipt of a copy of this Order.

8. With the above direction, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Secretary to Government,
Revenue Department, Secretariat,
Chennai - 600 009.
- 2.The Commissioner of Revenue Administration,
Chepauk, Chennai - 600 005.
- 3.The District Collector,
Krishnagiri District,
Krishnagiri.

+lcc to Mr.M.P. Saravanan, Advocate, S.R.No.60325
+lcc to the Government Pleader, S.R.No.60581

PK(CO)
md(18/11/2016)

W.P.Nos.36938 of 2016

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