

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.39481 of 2016

and W.M.P.No.33777 of 2016

P.Murugan

... Petitioner

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
Dharmapuri District Dharmapuri. ... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of certiorarified mandamus to to call for the records pertaining to Paragraph 4(b) of G.O.Ms.No.77 Rural Development and Panchayat Raj Department dated 12.7.2013 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 from 1.7.1981 till 22.1.1991 along with regular service for the purpose of pension and direct the respondents to count 50% services rendered in the post of panchayat clerk along with regular service for the purpose of granting pension.

For Petitioner : Mr.V.Suthakar
For Respondents : Mr.R.Venkatesh,
Govt. Advocate,
for R.1, 2 and 4

ORDER

The petitioner has come up with the present writ petition, challenging Paragraph 4(b) of G.O.Ms.No.77 Rural Development and Panchayat Raj Department dated 12.7.2013 of the first respondent in so far as it relates to not counting the services rendered by him in part time panchayat clerk from 1.7.1981 till 22.1.1991 along with regular service for the purpose of pension and direct the respondents to count 50% services rendered in the post of panchayat clerk along with regular service for the purpose of granting pension.

2. It is the case of the petitioner that he was initially appointed as Part Time Panchayat Clerk and subsequently, promoted as Junior Assistant and he retired from service on 31.5.2016 on attaining the age of superannuation. While calculating pension, the third respondent refused to take 50% of part time panchayat service by virtue of earlier Government Order followed by G.O.Ms.No.77 Rural Development Department dated 12.7.2013 issued by the first respondent. By the said GO., the Government of Tamil Nadu modified the guidelines issued in G.O.Ms.No.39, Rural Development Department and Panchayat Raj dated 13.6.2011 to the effect that the services rendered by the part time Panchayat Clerk, Panchayat Clerk Grade I and II, who worked in part time post shall not be taken into account for the purpose of pension. Hence, challenging the same, the petitioner has come up with the present writ petition.

3. Today, when the matter was taken up for consideration, learned counsel appearing for the petitioner submitted that similarly placed persons like that of the petitioners have moved this Court by filing writ petitions in W.P.Nos.23847, 24338, 26583, 26785 and 28878 of 2013 to quash paragraph 4(b) of G.O.Ms.77 Rural Development and Panchayat Raj (PA4) Department dated 12.7.2013 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 by order dated 27.6.2014. As against the said order, writ appeal in W.A.No.259 of 2016 has been preferred by the Government and the

same was also dismissed by the Division Bench of this Court on 10.3.2016. Thus, the learned counsel for the petitioner prays this Court to give the same direction to the respondents to count 50% of service rendered in part time in the Panchayat clerk from 1.7.1981 till 22.1.1991 along with regular service for the purpose of granting pension.

4. I have also heard the learned Government Advocate, who has taken notice on behalf of the respondents 1, 2 and 4. In view of the limited order to be passed hereunder, this Court is of the view that notice is not necessary to the third respondent.

5. Since this Court has already quashed paragraph 4(b) of G.O.Ms.No.77 Rural Development and Panchayat Raj department dated 12.7.2013 of the first respondent, there is no necessity to consider the said prayer. However, the petitioner is directed to give a representation to the respondents along with a copy of the order within a period of two weeks from the date of receipt of a copy of the order and on receipt of the same, the concerned respondents are directed to pass appropriate orders on merits and in accordance with law and also in the light of the judgment made in W.A.Nos.259 of 2016 dated 10.3.2016 within a period of six weeks thereafter. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sbi

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.

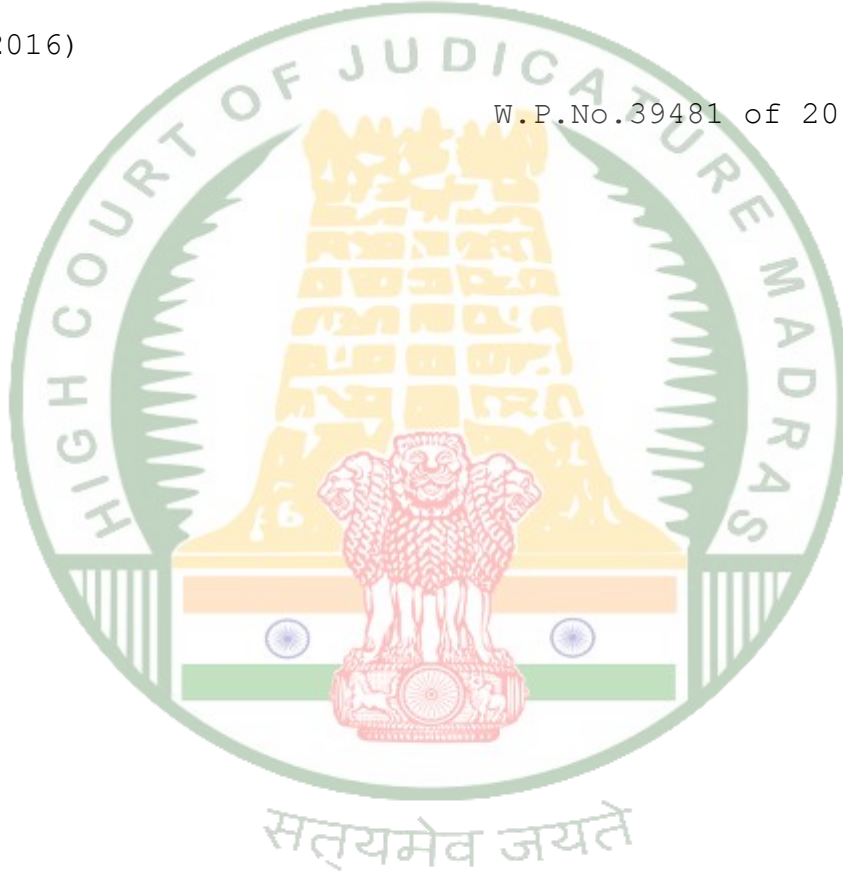
3 The Principal Accountant
General (A&E) Tamil Nadu No.361 Anna Salai
Chennai-600 018.

4 The District Collector
Dharmapuri District Dharmapuri.

+lcc to Mr.V. Suthakar, Advocate, S.R.No.65254
+lcc to the Government Pleader, S.R.No.65294

rsk(CO)
md(10/12/2016)

W.P.No.39481 of 2016



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