

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 14.11.2016
CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.39648 of 2016

R.Harinarayanan

... Petitioner

Vs.

- 1 The State of Tamil Nadu
rep. by Secretary to Government,
Revenue Department,
Fort St.George,
Chennai - 9.
 - 2 The Principal Commissioner and
Commissioner for Revenue Administration
Chepauk,
Chennai - 600 005.
 - 3 The Revenue Divisional Officer,
Kumbakonam.
- ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to sanction and pay the minimum pension payable to the petitioner in the category of Village Administrative Officer in Accordance with G.O. Ms.No.148, Revenue (Service 8(2)) Department, dated 20.4.2011 with all consequential benefits and arrears.

For Petitioner : Mr.A.K.R.Ravi
For Respondents : Mr.K.Dhananjayan
Special Government Pleader

O R D E R

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

2.The present writ petition has been filed seeking a Mandamus directing the respondents to sanction and pay the minimum pension payable to the petitioner in the category of Village Administrative Officer in Accordance with G.O. Ms.No.148, Revenue (Service 8(2)) Department, dated 20.4.2011 with all consequential benefits and arrears.

3. In the petition it has been averred that the petitioner is a retired Village Administrative Officer. It is further averred that the post of hereditary Village Officers were abolished with effect from 16.12.1970 and they were under the Tamil Nadu Administrative Officers Service Rules 1970 framed under proviso to Article 309 of the Constitution and the petitioner was serving as Village Officer prior to 14.11.1980. When the post was abolished by ordinance No.10/1980 of the State Government, it was repealed and the Tamil Nadu Abolition for the Post of Part Time Village Officers Act, 1981 was passed. The validity of the Act was challenged and subsequently, on the basis of the consent given by the State Government before the Supreme Court, the State Government appointed the State Level Screening Committee to induct Ex.Part Time Village Officers as Village Administrative Officers.

4. It is further averred that though, initially only those Ex-Part Time Village Officers who had the minimum qualification of S.S.L.C. as on 20.02.1982 were appointed as Village Administrative Officers, the Government in subsequent Government Order in G.O.Ms.No.1287, dated 06.07.1988 passed an order to the effect that Ex.Village Officers, who had passed S.S.L.C. subsequent to 20.02.1982 are also eligible for appointment under Rule 10(a)(i) of General Rules to fill up the vacancies in the Cadre of Village Administrative Officer. The petitioner had passed S.S.L.C. (Old Pattern) in the year 1964 and served as Karnam for five months prior to 14.11.1980. Subsequently, he was appointed as Village Administrative Officer vide order dated 21.03.2001 and joined in service on 24.03.2001 and his service was also regularized.

5. It is further averred that though the petitioner is not eligible for pension as per the Pension Rules, he is eligible for minimum pension in accordance with G.O.Ms.No.756, dated 17.08.1993 and G.O.Ms. No.148, dated 20.04.2011. The petitioner in this regard, made several representations and the last of such representation was made on 11.09.2016 and since no action was taken, came forward to file this writ petition.

6. Heard the submissions of the learned counsel appearing for the petitioner and the learned Special Government Pleader who take notice for the respondents.

7. Though the petitioner prayed for a positive direction, this Court, considering the submissions made on either side and without going into the merits of the case, direct the respondents to consider the representation of the petitioner dated 11.09.2016, on merits and in accordance with law and pass appropriate orders, within a period of six weeks from the date of receipt of a copy of this order.

8.The writ petition is disposed of accordingly. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

- 1 The State of Tamil Nadu
rep. by Secretary to Government,
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Chennai - 9.
- 2 The Principal Commissioner and
Commissioner for Revenue Administration
Chepauk,
Chennai - 600 005.
- 3 The Revenue Divisional Officer,
Kumbakonam.

+1 cc to Mr.A.K.R.Ravi Advocate sr 65256

+1 cc to Government Pleader sr 65873

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rsi(co)
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