

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.41711 of 2016

M.Sivapunniam

... Petitioner

Vs.

1.The State of Tamil Nadu
rep. by its Secretary to Government,
Finance (Pension and Pay Cell) Department,
Fort St George, Chennai-600 009.

2.The Principal Accountant General,
(Accounts and Entitlement),
No.361, Annasalai,
Chennai-600 018.03.2016

3.The District Collector,
Thiruvavur District,
Thiruvavur.

... Respondents

Writ Petitions filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to enter in the petitioner's service records from the period of 14.11.1980 to 31.07.1982 of the service rendered by the petitioner and along with the service rendered in the post of Village Administrative Officer as qualifying service for the purpose of pension and to grant the petitioner all consequential benefits based on the petitioner's representation dated 06.06.2016, within a stipulated time.

For Petitioner : Mr.R.Murugabharathi

For respondents : Mr.K.Dhananjayan, Spl GP

ORDER

This writ petition has been filed by the petitioner praying for issuance of a Writ of Mandamus, directing the respondents to take into account the service of the petitioner from 14.11.1980 to 31.07.1982, along with the service rendered in the post of Village Administrative Officer, as qualifying service for the purpose of calculating pension and to grant all consequential benefits, based on the petitioner's representation dated

06.06.2016, within a time frame.

2. In the affidavit filed in support of the writ petition, it has been averred by the petitioner, as follows_

2-1. The petitioner was initially appointed as Village Munsif at Sithamalli Village, on 30.10.1971. Subsequently, the said post was abolished by the Government. Thereafter, he was appointed as Village Administrative Officer on 21.01.1991. He worked in the said post continuously and he retired from service on 30.09.2008 as Village Administrative Officer, Kandiramanickam, Tiruvarur.

2-2. It is the specific grievance of the petitioner that the service rendered by him as Village Munsif has not been taken into account for computing the qualifying service for pension. If 50% of the said service is taken into account, his qualifying service will be more than 30 years and he will be entitled to get full pension.

2-3. In this regard, it is stated by the petitioner that the Government issued orders vide G.O.Ms.No.2908, Revenue Department, dated 04.11.1981, in respect of payment of salary for the period from 14.11.1980 to 31.07.1982 and the petitioner is also entitled for the benefits given under the said GO.

2-4. Similarly placed persons had filed writ petition and got an order from this Court, for calculating the period from 14.11.1980 to 31.07.1982 for qualifying service for the purpose of pension. Based on the orders of this Court, the Government issued an order vide G.O.No.148, dated 20.04.2011 in respect of 199 Village Administrative Officers in various Districts. But, the petitioner's name was not included in the said list. Hence, the petitioner made a representation on 06.06.2016 to the respondents requesting to take into account the service rendered by the petitioner during the period from 14.11.1980 to 31.07.1982, along with the service rendered by him in the post of Village Administrative Officer, as qualifying service, for the purpose of calculating his pension. Since the petitioner's representation was not considered, the petitioner has come forward with the present writ petition.

3. When the matter is taken up for consideration, the learned counsel for the petitioner submitted that if a direction is issued to the respondents to consider the representation of the petitioner dated 06.06.2016, it would suffice.

4. Heard the learned Special Government Pleader appearing for the respondents also and perused the materials available on record.

5. Considering the facts and circumstances of the case and also the limited scope of the prayer sought for by the learned counsel for the petitioner, without expressing any opinion on

the claim made by the petitioner, this Court directs the respondents to consider the representation dated 06.06.2016 give by the petitioner and to pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

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,
State of Tamil Nadu
Finance (Pension and Pay Cell) Department,
Fort St George, Chennai-600 009.

2.The Principal Accountant General,
(Accounts and Entitlement),
No.361, Annasalai,
Chennai-600 018.03.2016

3.The District Collector,
Thiruvarur District,
Thiruvarur.

+1cc to Mr.R. Murugabharathi, Advocate, S.R.No.70920
+1cc to the Government Pleader, S.R.No.70547

scd(CO)
md(24/01/2017)

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