



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.08.2016

CORAM

THE HONOURABLE **MR. JUSTICE T. RAJA**

W.P(MD) .No.15360 of 2016

K.Lakshmanan

... Petitioner

Vs

1.The Principal Secretary to Government,
Revenue Department,
Secretariat,
Chennai - 600 009.

2.The Additional Chief Secretary and
Commissioner of Revenue Administration,
Ezhilagam, Chepauk,
Chennai - 600 005.

3.The Accountant General,
361, Anna Salai, Teynampet,
Chennai - 600 018.

4.The District Collector,
Ramanathapuram District,
Ramanathapuram.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the respondents 1 2 & 4 i.e. the Principal Secretary to Government, Revenue Department Chennai, the Commissioner of Revenue Administration, Revenue Department, Chennai and the District Collector Ramanathapuram to send revised pension proposals to the Accountant General, Chennai to re-fix the pension of the petitioner counting half of the services put in by him as Thalayari for the period from 1.2.1975 to 31.5.1995 within a specified time frame that may be fixed by this court.

For petitioner : Mr.S.Visvalingam

For Respondents : Mr.M.Murugan G.A.,
for R1, R2 and R4
Mr.P.Gunasekaran for R3



service for the purpose of pension, half of the service rendered, while the Government Servant was paid out of contingencies shall be allowed. From the date of appointment on 29.09.1958 till 31.05.1995, the petitioner has put in 37 years of service, besides his regular service of 4 years from 01.06.1995. If half of the services rendered by the petitioner from 29.09.1958 to 31.05.1995 is added as per Rule 11(4) of Tamilnadu Pension Rules, 1978, along with his regular service of 4 years from 01.06.1995 to 30.06.1999, the petitioner has put in more than 20 years of service, hence, he becomes eligible for pension. Therefore, the respondents are directed to count half of the service rendered by the petitioner from 29.09.1958 to 31.05.1995 as per Rule 11(4) of the Tamilnadu Pension Rules, 1978, along with the regular service of 4 years from 01.06.1995 to 30.06.1969 and calculate pension accordingly.

9. In the result, the impugned order is set aside and the writ petition stands allowed. The third respondent shall forthwith work out the pension proposal of the petitioner and forward the same to the Accountant General, Chennai, preferably within a period of four weeks from the date of receipt of a copy of this order. The Accountant General, Chennai, in turn, shall pass appropriate orders on the pension proposal within two weeks from the date of receipt of the pension proposal. No Costs. "

4. In the light of the above, the respondents are directed to consider the representation of the petitioner, dated 19.03.2015 and pass orders on the same, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

5. With the above directions, this writ petition is disposed of. No costs.

Sd/
Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar



To

1.The Principal Secretary to Government,
Revenue Department,
Secretariat,
Chennai - 600 009.

2.The Additional Chief Secretary and
Commissioner of Revenue Administration,
Ezhilagam, Chepauk,
Chennai - 600 005.

3.The Accountant General,
361, Anna Salai, Teynampet,
Chennai - 600 018.

4.The District Collector,
Ramanathapuram District,
Ramanathapuram.

+1 cc to MR.P.GUNASEKARAN, Advocate Sr.No.45793

+1 cc to MR.S.VISVALINGAM, Advocate Sr.No.45792

W.P (MD) .No.15360 of 2016

19.08.2016

SMA/DB/09/09/2016 :4P/7C