



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 06.10.2016

Pronounced on : 25.10.2016

CORAM :

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

Writ Petition(MD) No.14842 of 2013

S.Natarajan

...Petitioner

Vs.

1.The Secretary to Government,
Revenue Department,
Secretariat,
Chennai - 9.

2.The Principal Secretary cum
Commissioner for Revenue Administration,
Chepauk, Chennai - 5.

3.The Senior Accounts Officer/Pen 26,
O/o Principal Accountant General,
(Accounts and Entitlements)
Tamil Nadu,
No.361, Anna Salai, Chennai - 16.

..Respondents

Prayer : Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the 3rd respondent Pen 26/5/32604888/RVN/12-13/ADKCL/67, dated 22.04.2013 and quash the same and consequently direct the respondents to sanction the minimum pension in the post of VAO.

For Petitioner : Mr.H.Arumugam
For Respondents : Mr.K.Guru A.G.P
for R1 and R2
Mr.P.Gunasekaran
G.A., for R3

ORDER

The petitioner has filed this Writ Petition challenging the impugned order of the third respondent passed in Pen26/5/32604888/RVN/12-13/ADKCL/67, dated 22.04.2013, whereby the request of the petitioner for payment of minimum pension was refused on the ground that petitioner's name is not available in any of the lists prepared by the Government (Viz., Additional Commissioner's lists and G.O.Ms.Nos.148, 665 and 299, Revenue (Ser (8(2) Department) and for a consequential direction to the respondents to sanction minimum pension to the petitioner in the post of V.A.O.

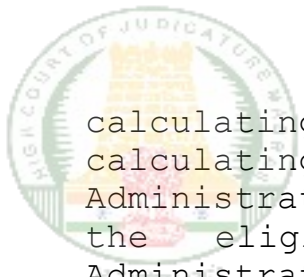


2. Heard Mr.H.Arumugam, learned counsel for the petitioner, Mr.K.Guru, learned Additional Government Pleader appearing for the respondents 1 and 2 and Mr.P.Gunasekaran, learned counsel appearing for the third respondent.

3. The petitioner was appointed as part time Village Karnam [Village Officer] in the Revenue Department, Ramalingapuram, Sankarankovil Taluk, Tirunelveli District, on 01.04.1980 and served as such till 30.08.1980. It is an admitted fact that the Government after abolishing the entire post of Village Headman on 14.11.1980, he was appointed as Village Administrative Officer on 03.11.2000 with a gap of 20 long years. Subsequently, on reaching the age of superannuation, he was relieved from service on 30.06.2010. Therefore, the grievance of the petitioner is that he is entitled to get minimum rate of pension, but in the G.O.Ms.No.148 Revenue (Ser(8(2) Department, dated 20.04.2011 prepared for payment of minimum pension, his name was not shown inadvertently. Therefore, he was refused the payment of minimum pension.

4. As a matter of fact, the Government has issued G.O.Ms.No.756 Revenue Department, dated 17.08.1993, making it clear that a person after abolition of Village Headman posts, if he is re-appointed and served with 10 years of service is entitled to get minimum rate of pension. Therefore, if he is originally appointed as Village Karnam on 01.04.1980, in the light of the G.O.Ms.No.756, the case of the petitioner has to be considered. It is not in dispute that, the petitioner was originally appointed as Village Karnam on 01.04.1980 and lost his service due to abolition of Village Karnam. However, he was appointed as Village Administrative Officer on 03.11.2000. After his appointment, on reaching the age of superannuation, he retired from service on 30.06.2010. In paragraph 3 of the Government Order applies to the case of the petitioner, for, the petitioner has rendered more than 10 years of service, therefore, his name ought to have been included as per G.O.Ms.148 prepared by the respondents for payment of minimum pension to all the retirees. Since the admitted position of the petitioner has been completely over-looked, the case of the petitioner deserved to be considered positively.

5. The learned counsel for the petitioner drew the attention of this Court by producing a copy of the order made in W.P.(MD) No.2745 of 2015, dated 07.09.2015 and submitted that in that case the first respondent has filed a counter affidavit stating that the Government has relaxed the rules by issuing G.O.Ms.756 dated 17.08.1993 and one another G.O.Ms.875, Revenue Department, dated 29.10.1998 stating that Ex-Village Officers like, Karnam, Munsif Village Headman, etc., who were retrenched on 14.11.1980 and got subsequent re-appointment as Village Administrative Officers, but retired before completing 10 years of service in the post of Village Administrative Officer, may be considered for pension by



calculating the period of service from 14.11.1980, instead of calculating the service from the date of appointment as Village Administrative Officer. In this regard, the Government identified the eligible officials through 3 lists of Ex-Village Administrative Officers as under:-

1. Additional Commissioner, Revenue Administration letter No. RA 2(2) 63008/07 dated 17.02.2009.

2. G.O. 665 Revenue Department, dated 10.02.2010.

3. G.O. 148 Revenue Department, dated 20.04.2011.

Since eligible persons were already identified by the Government in the aforementioned three Government Orders for grant of minimum pension of Rs.3,050/- per month, the petitioner, who was working as Village Headman between 13.03.1974 to 14.11.1980, the date on which, the hereditary post was abolished was re-appointed as Village Administrative Officer and it is seen that the petitioner was retired from service on 31.05.2008, therefore, indisputably, the petitioner is entitled to get the benefit G.O. Ms. 756 Revenue Department, dated 17.08.1993 by calculating the service from 14.08.1995 till the date of retirement namely 31.05.2008. In the case on hand, the petitioner, who was working as Village Karnam between 01.04.1980 to 30.08.1980, namely, full five months of service and after abolition of the hereditary post, he was re-appointed as Village Administrative Officer and it is seen that the petitioner was retired from service on 30.08.2010, therefore, indisputably, the petitioner is entitled to get the benefit of G.O. Ms. 756 Revenue Department, dated 17.08.1993 by calculating the earlier service of five months in addition to the service of the petitioner as Village Administrative Officer viz., from 13.11.2000 till the date of retirement namely 30.08.2010.

6. Considering the fact that the petitioner has put in total service of ten years, two months and seventeen days, the petitioner is entitled to get the minimum pension in the light of G.O. Ms. No. 756, Revenue Department, dated 17.08.1993. Hence, the order of the third respondent refusing to grant the minimum pension to the petitioner is liable to be set aside.

7. Accordingly, I am inclined to pass the following orders:-

a) The Writ petition is allowed and the order of the third respondent in Pen 26/5/32604888/ RVN/12-13/ADKCL/67, dated 22.04.2013 is set aside.

b) The first respondent is directed to sanction minimum pension to the petitioner in the light of G.O. Ms. No. 756, dated 17.08.2013 within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS-I)



To

1.The Secretary to Government,
Revenue Department,
Secretariat,
Chennai - 9.

2.The Principal Secretary cum
Commissioner for Revenue Administration,
Chepauk, Chennai - 5.

3.The Senior Accounts Officer/Pen 26,
O/o Principal Accountant General,
(Accounts and Entitlements)
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No.361, Anna Salai, Chennai - 16.

+1cc to M/s.H.Arumugam, Advocate in SR.63646

+1cc to the Special Government Pleader, in SR.63575

Writ Petition(MD) No.14842 of 2013

25.10.2016

skn

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