

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.4753 of 2017

A.R.Jayamani

.. Petitioner

vs.

1.The District Collector,
District Collector's Office,
Tiruvarur,
Tiruvarur District.

2.State of Tamil Nadu,
Rep. by its Secretary,
Department of Revenue,
Fort St.George,
Chennai-600 009.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to sanction, compute and grant to the petitioner, pension by computing the period of his service to commence from the date of his joining the service as part time Village Assistant i.e., from 01.12.1962 onwards and ending with his retirement on 31.12.2004.

For Petitioner : M/s.R.Rajashree

For Respondents : Mr.P.Sanjai Gandhi
Additional Government Pleader

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The petitioner would aver that he was appointed as Part Time Village Assistant on temporary basis by the Revenue Department of Government of Tamil Nadu on 01.12.1962 and he joined in the said post at Alangudi, Nannilam Taluk, drawing a salary of Rs.48/- per month. The services of the petitioner as Part Time Village Assistant was regularized, vide G.O.Ms.No.625 of the second respondent dated 06.07.1995 and the petitioner retired from service as Village Assistant on 31.12.2004 and his last drawn salary was Rs.2,000/- per month. The petitioner would further aver that in terms of the above cited Government Order, the services of the Part Time Village Assistant regularizing as full time Government servant came

into being and the salary was also upgraded in the Time Scale of Pay with all other allowances with effect from 01.06.1995 and G.O.(3D).No.9 dated 28.02.2006 governs the said plea. The grievance expressed by the petitioner is that though he has retired on 31.12.2004, he has been given meager payment of pension by the respondents and as per Clause 4(a) of Chapter II -Pension and Gratuity of the Tamil Nadu Village Assistants Pension Rules, 1995 r/w. Clause 11 of the Tamil Nadu Pension Rules, 1978, pension should be calculated from the date of his joining the services of the respondents as Part Time Village Assistant i.e., from 01.12.1962 onwards and in this regard, the petitioner has also submitted representations dated 08.02.2016 and 22.02.2016 to the respondents and since it is yet to be favoured with any kind of response, came forward with this writ petition.

3. The learned counsel appearing for the petitioner would submit that the matter in issue is squarely covered by the decision of this Court dated 24.08.2007 made in W.P.(MD). No.1716 of 2005 [K.Raman Nair v. The District Collector, Kanyakumari District and another] and the said order was put to challenge in W.A.(MD).No.16 of 2009 and it was dismissed, vide judgment dated 16.02.2009 and the said order was implemented by the Government by passing G.O.(Ms).No.33, Revenue [Ser-8(1)] Department dated 25.01.2010 and in the light of the same, there cannot be any impediment on the part of the respondents to consider the claim of the petitioner positively and prays for appropriate orders.

4. Heard the submissions of Mr.P.Sanjai Gandhi, learned Additional Government Pleader, who accepts notice on behalf of the respondents and would submit that the petitioner has approached this Court belatedly and his claim is hit by delay and laches.

5. This Court has considered the rival submissions and also perused the entire materials placed before it.

6. Though the petitioner prays for larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the respondents to consider and dispose of the petitioner's representations dated 08.02.2016 and 22.02.2016 by taking note of G.O.(3D)No.9, Revenue [Ser-7(1)] Department dated 28.02.2006 and G.O.(Ms).No.33, Revenue [Ser-8(1)] Department dated 25.01.2010 and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

7. This Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

jvm

To

1.The District Collector,
District Collector's Office,
Tiruvarur,
Tiruvarur District.

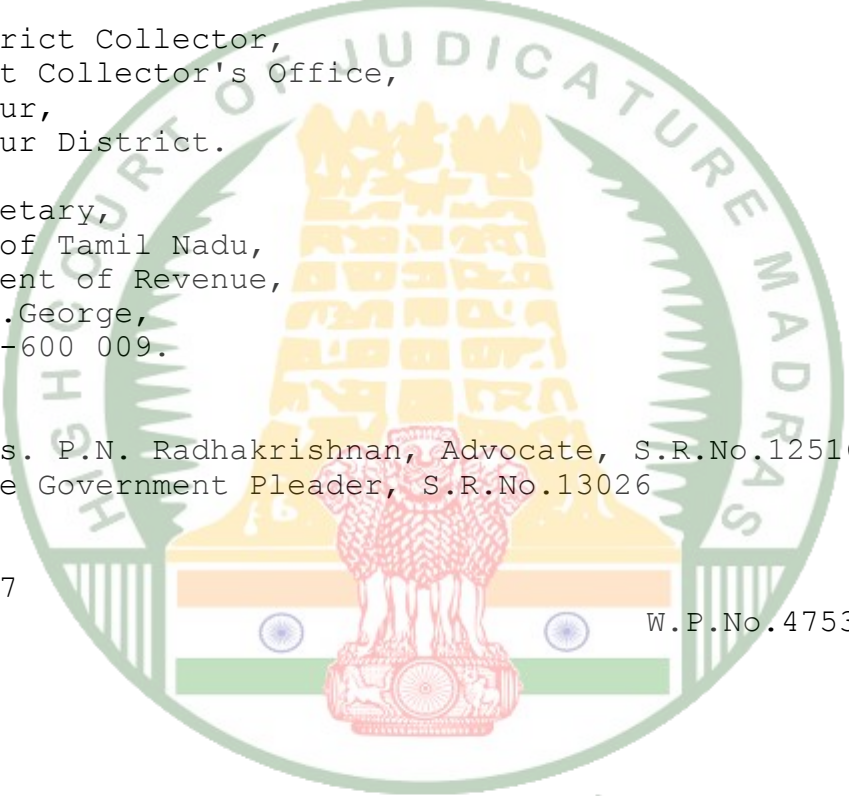
2.The Secretary,
State of Tamil Nadu,
Department of Revenue,
Fort St.George,
Chennai-600 009.

+1cc to M/s. P.N. Radhakrishnan, Advocate, S.R.No.12516

+1cc to the Government Pleader, S.R.No.13026

SAI(CO)
EU 09.03.17

W.P.No.4753 of 2017



सत्यमेव जयते

WEB COPY