

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.986/2017 & WMP.No.965/2017

N.Jayabalan

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Petitioner

Vs

- 1.The Government of Tamil Nadu,
Rep.by its Principal Secretary to Government,
Rural Development & Panchayat Raj Department,
Fort St.George, Chennai-600 009.
- 2.The Director of Rural Development & panchayat Raj,
Panagal Building,
Saidapet, Chennai 600 015.
- 3.The Principal Accountant General (A & E)Tamil Nadu,
No.361 Anna Salai,a
Chennai 600 018.
- 4.The District Collector, (PD Section)
Cuddalore District,
Cuddalore.

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Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to Paragraph 4(b) of G.O.Ms.No.77 Rural Development and Panchayat (PA-4) department dated 12.07.2013 of the first respondent and quash the same in so far relates to not counting the services rendered by the petitioner in part time Panchayat clerk along with regular service for the purpose of pension and direct the respondents to count 50% services rendered in the post of Panchayat clerk from 11.01.1981 till 29.01.1995 along with regular service for the purpose of granting pension.

For Petitioner : Mr.V.Suthakar

For RR-1,2&4 : Mrs.M.E.Raniselvam, AGP

For RR-3 : Mr.V.Vijayashankar

ORDER

By consent, the writ petition is taken up for final disposal. Mrs.M.E.Raniselvam, learned Additional Government Pleader accepts notice on behalf of the respondents 1,2 and 4. Mr.V.Vijayashankar, learned counsel accepts notice on behalf of the 3rd respondent.

2 The petitioner was initially appointed as Part Time Panchayat Clerk in Kaliyapuram Village Panchayat, with effect from 01.04.1990 and subsequently, he was appointed as Junior Assistant on 30.01.1995. The petitioner would state that the 1st respondent had issued G.O.Ms.No.77, Rural Development and Panchayat Raj [PA4] Department, dated 12.07.2013, modifying the guidelines issued in G.O.Ms.No.39, of the very same Department dated 13.06.2011 to the effect that the services rendered by the Part Time Panchayat Clerk, Panchayat Assistant Grade I and II, shall not be taken into consideration for the purpose of pension. The grievance expressed by the petitioner is that though he was due to retire on 31.07.2017, till date the respondents have not taken any steps to count 50% of Part Time services rendered by the petitioner along with the regular service for the purpose of pension and hence, he came forward to file this writ petition.

3 The learned counsel for the petitioner has drawn the attention of this Court to the common order dated 23.06.2016 made in WP.No.21397/2016 - P.Sellavelu and others Vs. The Government of Tamil Nadu rep. by its Principal Secretary to Government, Rural Development and Panchayat Raj Department, Chennai-9 and 2 others] and would submit that Paragraph 4[b] of G.O.Ms.No.77 of the 1st respondent / Department dated 12.07.2013 as well as the consequential communications were challenged and the impugned proceedings were quashed with a direction, directing the respondents therein to count 50% of the service period put in by the petitioners therein under the consolidated pay by way of part-time employment along with their regular service for the purpose of computation of pensionary benefits. Similar order passed, was also put to challenge in WA.No.259/2016 by the official respondents in WP.No.332579/2013 - The Government of Tamil Nadu rep. by its Secretary to Government, Rural Development and Panchayat Raj Department, Chennai-9 and 2 others Vs. V.Masanamuthu and 2 others], and the said writ appeal was also dismissed on 10.03.2016 and in the light of the same, the petitioner may be permitted to submit a representation to the 1st respondent through proper channel and a further direction may be made to the said official to dispose of the same in accordance with law within a stipulated time.

4 This Court heard the submissions of Mrs.M.E.Rani Selvam, learned Additional Government Pleader appearing for the respondents 1,2 and 4 and Mr.V.Vijayashankar, learned Standing

Counsel appearing for the 3rd respondent.

5 Though the petitioner has prayed for a larger relief, this Court, in the light of the submissions made by the learned counsel for the petitioner, permits the petitioner to submit a representation through proper channel to the 1st respondent within a period of four weeks from the date of receipt of a copy of this order and the 1st respondent, upon receipt of the same, through proper channel, is directed to consider the said representation on merits and in accordance with law and pass orders within a further period of ten weeks thereafter and communicate the decision taken, to the petitioner.

6 The writ petition stands disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

AP
To

- 1.The Principal Secretary to Government,
The Government of Tamil Nadu,
Rural Development & Panchayat Raj Department,
Fort St.George, Chennai-600 009.
- 2.The Director of Rural Development & panchayat Raj,
Panagal Building,
Saidapet, Chennai 600 015.
- 3.The Principal Accountant General (A & E)Tamil Nadu,
No.361 Anna Salai,a
Chennai 600 018.
- 4.The District Collector, (PD Section)
Cuddalore District,
Cuddalore.

+1cc to Mr.V.Suthakar, Advocate SR.No3163
+1cc the Government Pleader SR.No.3554

W.P.No.986/2017

KSJ(CO)
GN(02/02/2017)