

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :06.12.2017
CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.32788 of 2014
and
M.P.No.1 of 2014

1. M.Thirugnanam
2. R.Lakshmanan
3. G.Panneerselvam

.. Petitioners

vs

1. The Government of Tamil Nadu,
Rep by its Secretary,
Revenue Department,
Fort St.George,
Chennai - 600 009.
2. The Principal Commissioner &
Commissioner for Revenue Administration,
Chepauk, Chennai - 600 005.
3. The District Collector,
Villupuram,
Villupuram District.
4. The District Collector,
Nagapatinam,
Nagapatinam District.
- 5.The Revenue Divisional Officer,
Nagapatinam,
Nagapatinam District.
6. The Revenue Divisional Officer,
Myladuthurai,
Nagapatinam District.
7. The Principal Accountant General
(A&E), 361, Anna Salai,
Chennai - 600 018.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent herein to regularize the services of the petitioners as Village Administrative Officer with effect from the date of their initial appointment and further direct the 1st and 7th respondents herein to sanction pension to the petitioners after taking into account the qualifying period of service from 14.11.1980 for the purpose of minimum pension and consequently pay the pensionary benefits including monthly pension to the petitioners w.e.f the date of their retirement with all monetary and other attendant benefits.

For Petitioners : Mr.K.Raja

For Respondents : Mr.A.Rajaperumal (For R1 to R6)
Additional Government Pleader

: Mrs.Sree vidhya for R7

O R D E R

The relief sought for in this writ petition is for a direction to the 1st respondent to regularize the services of the petitioners as Village Administrative Officer with effect from the date of their initial appointment and further direct the 1st and 7th respondents herein to sanction pension to the petitioners after taking into account the qualifying period of service from 14.11.1980 for the purpose of minimum pension and consequently pay the pensionary benefits including monthly pension to the petitioners w.e.f the date of their retirement with all monetary and other attendant benefits as per Pension rules.

2. The learned counsel for the writ petitioners state that the writ petitioner are temporarily employed as Village Munsiff prior to 14.11.1980. The services of the petitioners were ousted on account of abolition of the said post on 14.11.1980. However, the petitioners were appointed as Village Administrative officer, pursuant to the policy decision taken by the Government on 28.10.2005, 03.11.2005 and 28.10.2005 respectively. All the writ petitioners were attained the age of superannuation and allowed to retire from service with effect from 31.01.2008, 31.10.2008 and 28.02.2009 respectively.

3. The grievances of the writ petitioners are that in spite of the Government orders issued in G.O.Ms.No.756, Revenue Department dated 17.08.1993 and G.O.Ms.No.875, Revenue Department dated 29.10.1998. The minimum pension as applicable to the writ petitioner have not been sanctioned.

4. The learned counsel appearing on behalf of the writ petitioners state that the post of Village Administrative Officer was abolished with effect from 14.11.1980 and the qualifying services are to be reckoned for the purpose of granting minimum pension from the above date. However, the respondents are not considering the case of the writ petitioners on account of the introduction of the new pension scheme. The petitioners state that the case of the petitioners are dealt with by the Government, issued in G.O.Ms.No. 148, Revenue Department dated 20.04.2011, granting minimum pension to the persons who retired as Village Administrative Officer and not completed 10 years of minimum services as under the pension rules.

5. This being the fact, the case of the petitioner also to be considered on par with other Village Administrative Officer, who have not completed 10 years of service in the said post. In this regard, the writ petitioners have submitted a representation on 22.10.2013 to the first respondent and the same is yet to be considered.

6. In view of various Government orders, this Court of the opinion that the first respondent has to consider the case of the writ petitioners and take a decision and pass orders in accordance with law. Thus, the first respondent is directed to consider the representation submitted by the writ petitioner on 22.10.2013 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. The writ petitioners are directed to enclose the copy of the representation and the Government orders along with the order passed in this writ petition.

7. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS VIII)

//True Copy//

Sub Assistant Registrar

To

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Chennai - 600 018.
- +1 cc to Govt Pleader sr 86862
+1 cc to M/s.J.Sree vidya Advocate sr 86584
+1 cc to M/s.K.Raja Advocate sr 86571
+2 ccs to M/s.K.Raja Advocate sr 86571 dt 29/01/2018

सत्यमेव जयते

W.P.No.32788 of 2014

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