

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.2205 of 2017

R.Lakshmanan

[ Petitioner ]

Vs

- 1 The Government of Tamil Nadu  
Rep. by Secretary to Government  
Revenue Department Secretariat  
Chennai- 600 009.
  - 2 The Commissioner of Revenue  
Administration  
Chepauk Chennai-600 005.
  - 3 The District Collector  
Erode District Erode.
  - 4 The Tahsildar  
Erode Taluk Erode District.
  - 5 The Principal Accountant  
General (A&E) Tamil Nadu  
Chennai- 600 018.
- [Respondents]

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first Respondent to consider the claim of the Petitioner for counting his services as Village Assistant from 01.07.1973 to 31.05.1995 in non-pensionable establishment along with the petitioner regular service from 01.06.1995 to 31.07.2014 to arrive at the total qualifying service for pensionary benefit and to grant the Petitioner to revised pensionary benefits from 01.08.2014 and disburse the arrears thereby with interest in the light of G.O.Ms.No.33 Revenue (Ser.8(1)) Department dated 25.01.2010 and disbursing the monetary benefits with interest.

For Petitioner : Mr.M.Ravi

For Respondents: Mr.P.Sanjai Gandhi, AGP (R1-4)  
Mr.V.Vijayashankar (R5)

## ORDER

By consent, the writ petition is taken up for final disposal. Mr.P.Sanjai Gandhi, learned Additional Government Pleader accepts notice on behalf of the respondents 1 to 4 and Mr.V.Vijayashankar, learned counsel accepts notice on behalf of the 5<sup>th</sup> respondent.

2 The petitioner claims that he was serving as Village Servant from 01.07.1973 to 12.05.1998 in Punjaikolamalli Village, Erode Taluk and District, on monthly Honorarium basis and thereafter, got his permanent appointment as Village Assistant in the same Village, vide proceedings of the Tahsildar, Erode, dated 15.03.1988. Thereafter, the services of the Village Assistant was provincialized by the Government of Tamil Nadu with effect from 01.06.1995. Accordingly, the services of the petitioner were regularized from that date and was placed in the time scale of pay at Rs.600-10-750 from that date and the same was being revised from time to time on the basis of the Pay Commission's recommendations. The petitioner would further aver that after rendering a total service of 19 years and 2 months in the regular time scale of pay, he retired from service on 31.07.2014 A.N. on attaining the age of superannuation and thereafter, he had been drawing monthly pension from 01.08.2014 onwards as per the proceedings of the 5<sup>th</sup> respondent.

3 The grievance expressed by the petitioner is that his services rendered as Village Assistant from 01.07.1973 to 31.05.1995 have not been counted for pensionary benefits. He has further averred that one Raman Nair, who was similarly placed, approached this Court by filing W.P.(MD)No.1716 of 2005, which was disposed of with a positive direction and in compliance of the same, the 1<sup>st</sup> respondent has also issued G.O.Ms.No.33, Revenue (Ser.8(1) Department, dated 25.01.2010, conferring the benefit of pension, taking into account the entire period of service as a special case. Therefore, in this regard, he has submitted a detailed representation dated 01.07.2016 to the respondents and though it was received and acknowledged, no orders have been passed. Hence, he came forward to file the present writ petition.

4. The learned counsel appearing for the petitioner would submit that in similar circumstances, this Court had disposed of W.P.No.20273 of 2015 - S.Muniappan vs. The Government of Tamil Nadu, Represented by the Secretary to Government, Finance (Pension) Department, Chennai 9, vide order dated 08.07.2015 and therefore, prays for appropriate orders.

5. Per contra, Mr.P.Sanjai Gandhi, learned Additional Government Pleader, appearing for respondents 1 to 4 would submit that the claim of the petitioner is hit by the delay and laches and after waiting for so many years, the petitioner, now started making the claim, based upon the above stated G.O., which came to be passed as a special case and prays for dismissal of the writ petition.

6 Heard the learned counsel for the petitioner, Mr.P.Sanjai Gandhi, learned Additional Government for the respondents 1 to 4 and Mr.V.Vijayashankar, learned counsel for the 5<sup>th</sup> respondent.

7 Though the petitioner has prayed for a 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 1<sup>st</sup> respondent to consider and dispose of the petitioner's representation dated 01.07.2016, on merits and in accordance with law and pass orders 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.

8 The writ petition stands disposed of with the above direction. No costs.

Sd/-  
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

- 1 The Secretary to Government  
Revenue Department Secretariat  
Chennai- 600 009.
- 2 The Commissioner of Revenue  
Administration  
Chepauk Chennai-600 005.
- 3 The District Collector  
Erode District Erode.
- 4 The Tahsildar  
Erode Taluk Erode District.
- 5 The Principal Accountant  
General(A&E) Tamil Nadu  
Chennai- 600 018.

+1cc to Mr.M. Ravi, Advocate, S.R.No.6173  
+1cc to the Government Pleader, S.R.No.6244

KSJ(CO)  
EU 15.2.17