

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.19042 of 2015

T.Ramasamy

... Petitioner

Vs.

1. The State of Tamil Nadu
rep.by its Principal Secretary to Government,
Revenue Department,
Fort St.George, Secretariat,
Chennai - 600 005,
2. The Principal Commissioner,
Commissioner for Revenue Department,
Chepauk,
Chennai - 600 005
3. The District Collector,
Villupuram District,
Villupuram
4. The Block Development Officer,
Jollarpettai Panchayat Union,
Thirupattur,
Vellore District,
5. The Tahsidlar,
Thirupattur Taluk,
Vellore District,
6. The Accountant General (A&E),
Anna Salai,
Chennai - 600 018.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus to direct the respondents to sanction minimum pension to the petitioner in the post of Panchayat Assistant from the date of retirement on 30.06.2009 by taking into consideration of services rendered by the petitioner as Panchayat Assistant from 8.12.1995 to 31.8.2006 (prior to regular time scale of pay) as well as the period of services rendered as Village Maniam for various spells from 11.11.1974 up till 21.09.1980 as per G.O.Ms.No.408 Finance Pension Department dated 25.08.2009 by considering the representation submitted by the petitioner dated 19.05.2010.

For Petitioner : Mr.G.Sankaran
For Respondents : Mr.V.Jayaprakash Narayanan,
1 to 5 : Special Government Pleader
R6 : V.vijayashankar

ORDER

The petitioner was a part time village Officer (Village Maniam) from 11.11.1974 till the post was abolished on 14.11.1980. Subsequently, the petitioner was appointed as a Panchayat Assistant on consolidated pay in Agraham Village Panchayat, Jollarpettai Panchayat Union on 8.12.1995. He was regularised in service as Panchayat Assistant with effect from 1.9.2006. He retired from service on 30.6.2009.

2. The grievance of the petitioner is that he was not paid minimum pension. Had he been appointed as Village Administrative Officer, the Government Order in G.O.Ms.No.756 Revenue Department dated 17.8.1993 provides for minimum pension. However, the petitioner is appointed only as a Panchayat Assistant and he was appointed on consolidated basis and he was brought to regular service later. If all the services rendered both in the Revenue Department and the Panchayat Raja Department is taken together, the petitioner is entitled to get minimum pension.

3. Though a wider prayer is sought for in the writ petition, learned counsel appearing for the petitioner submitted that the petitioner would be satisfied if his representation dated 19.5.2010 made to the respondents is directed to be considered and disposed of by the 1st respondent.

4. In the facts and circumstances of the circumstances, the petitioner is permitted to submit a fresh representation to the District Collector, Vellore enclosing all the relevant documents and the District Collector, Vellore is directed to forward the representation of the petitioner along with appropriate proposal based on his request to the 1st respondent within a period of eight weeks from the date of receipt of copy of the representation and the 1st respondent is directed to pass orders thereon within a further period of eight weeks thereafter.

5. The writ petition is disposed of accordingly. However, there is no order as to costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1. The Principal Secretary to Government,
Revenue Department,
State of Tamil Nadu
Fort St.George, Secretariat,
Chennai - 600 005,
2. The Principal Commissioner,
Commissioner for Revenue Department,
Chepauk,
Chennai - 600 005
3. The District Collector,
Villupuram District,
Villupuram
4. The District Collector, Vellore District.
5. The Block Development Officer,
Jollarpettai Panchayat Union,
Thirupattur,
Vellore District,
6. The Tahsidlar,
Thirupattur Taluk,
Vellore District,
7. The Accountant General (A&E),
Anna Salai,
Chennai - 600 018.

+1 cc to Mr.G.Sankaran, Advocate,SR.32221

+1 cc to Mr.S.gunasekaran, Advocate,SR.32530.

Ksj (co)
krd 8/7

सत्यमेव जयते

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