

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.06.2017

CORAM

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.368 of 2015

A.Rangasamy

.. Petitioner

Vs

1. The Principal Secretary cum Commissioner of Revenue
Administration,
Revenue Department,
Government of Tamil Nadu,
Fort St.George,
Chennai 600 009.

2. The District Collector
Tiruvannamalai,
Tiruvannamalai District.

.. Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus, calling for the records of the first respondent in G.O.Ms.No.487, Revenue [Post 8(2)] Department dated 27.11.2013 and quash the same and consequently direct the respondents to pay the minimum retirement pension to the petitioner for the service rendered as Village Head Man from 10.01.1963 till 14.11.1980 and service rendered as Village Administrative Officer from 01.09.82 to 30.07.1990 by following G.O.Ms.No.148, Revenue [Post-8(2)] Department dated 20.04.2011 and to pay all the arrears.

For Petitioner : Mr.D.Anandan

For Respondents: Mr.A.Zakir Hussain, Government Advocate

ORDER

This writ petition is filed to call for records from the first respondent in G.O.Ms.No.487, Revenue [Post -8(2)] Department dated 27.11.2013 and quash the same and also to direct the respondents to pay the minimum retirement pension to the petitioner for the service rendered as Village Head Man from 10.01.1963 to 14.11.1980 and service rendered as Village Administrative Officer from 01.09.1982 to 30.07.1990 by

following G.O.Ms.No.148 Revenue [Post-8(2)] Department dated 20.04.2011 and to pay all the arrears within the time frame.

2. The petitioner would state that he was appointed as Village Head Man before 1980 and under abolishment of Village Head Man post, he lost the employment. Subsequently, he was selected and appointed as Village Administrative Officer and joined duty on 01.09.1982 and he retired on 30.07.1990 after serving eight years in the capacity of VAO and more than five years as Village Head Man.

3. The petitioner would further state that in G.O.(PER) No. 148 (Revenue(Ser.8(2) Department dated 20.04.2011, orders have been issued for sanctioning of minimum pension to VAO like the petitioner. Since the representations of the petitioner dated 01.07.2011 and 07.02.2011 were not considered, he filed W.P.No.16080 of 2012. This Hon'ble Court directed the first respondent to consider the representation by following G.O.Ms.No.148 Revenue Department dated 20.04.2011. Pursuant to the order the first respondent issued the G.O. impugned in this writ petition sanctioning the minimum pension to the petitioner.

4. The only grievance of the petitioner is that the G.O. was issued only with prospective effect, he is entitled for pension from the date of his retirement i.e., on 30.07.1990.

5. The learned Government Advocate on instructions would submit that admittedly a representation was made by the petitioner after 21 years of his retirement and even in G.O.Ms.148 Revenue Department 20.04.2011, the Government has not sanctioned minimum pension from retrospective effect. Hence, the petitioner is not entitled for pension from the date of his retirement.

6. Heard the rival submissions on both sides and perused the materials on record.

7. It is not in dispute that the petitioner had retired from service on 30.07.1990 and he had sent representations dated 01.07.2011 and 07.02.2011. Even in the representations the petitioner has only requested the respondents to sanction pension and he did not ask for pension from the date of his retirement. As rightly contended by the learned Government Advocate that in G.O.Ms.148 Revenue Department dated 20.04.2011 based on which the petitioner is asking for minimum pension from the date of his retirement, only minimum pension was given with prospective effect.

8. Considering the above facts and circumstances of the case, now the claim of the petitioner is an after thought. I do not find any merits in this writ petition.

9. In result, this writ petition is dismissed. No costs. Consequently connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

dpq

1. The Principal Secretary cum Commissioner of Revenue Administration,
Revenue Department,
Government of Tamil Nadu,
Fort St.George, Chennai 600 009.
2. The District Collector
Tiruvannamalai,
Tiruvannamalai District.

+1cc to Mr.S.Udayakumar, Advocate, S.R.No.41578
+1cc to the Government Pleader, S.R.No.41562

W.P.No.368 of 2015
and MP.1 of 2015

RS (23/06/2017)

सत्यमेव जयते

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