

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.44622 of 2016

K.Buvaneswari

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Petitioner

Vs

1.The State of Tamil Nadu
Rep.by its Secretary to Government,
Revenue Department,
Secretariat, Fort St.George,
Chennai - 600 009.

2.The Commissioner of Revenue Administration,
Chepauk, Chennai - 600 005.

3.The District Collector,
Villupuram District,
Villupuram.

..

Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondents to grant minimum pension to the petitioner in the post of Village Administrative Officer as per G.O.Ms.No.756 Revenue [Service 8(2)] Department dated 17.08.1993 and in the light of orders passed in G.O.Ms.No.158 Revenue [Service 8(2)] Department dated 08.04.2015, by considering the representation submitted by the petitioner dated 09.03.2015 with all consequential benefits including arrears of pensionary benefits from the date of retirement alongwith interest, within time frame.

For Petitioner : Mr.G.Sankaran
For Respondents : Mr.K.Dhananjayan,
Special Govt. Pleader

ORDER

By consent, the writ petition is taken up for final disposal. Mr.K.Dhananjayan, learned Special Government Pleader accepts notice on behalf of the respondents.

2. The petitioner would state that she was initially appointed as Village Karnam on 20.02.1979 till the post of ex. Village Officer was abolished as per Tamil Nadu Ordinance 10/1980 dated 14.11.1980 and in the light of G.O.Ms.No.1267 Revenue Department dated 06.07.1988, the petitioner was appointed as Village Administrative Officer and she was allowed to retire on reaching the age of superannuation on 31.01.2015.

3. The grievance now expressed by the petitioner is that though she was working as a Village Administrative Officer between 2005 and 2015 and put in service, she has fallen short by nine months to complete ten years of service and as such, she is ineligible for getting pensionary benefits including regular pension as per Tamil Nadu Pension Rules. According to the petitioner, in terms of G.O.Ms.No.756 Revenue Department dated 17.08.1993, she is entitled for minimum pension and in this regard, she has also submitted a representation to the 2nd respondent on 03.11.2015 in person. Since it has not been considered and disposed of, the petitioner came forward to file the present writ petition.

4. The learned counsel for the petitioner would submit that the matter in issue is squarely covered by order of this Court in WP No.3075 of 2009 dated 27.10.2009 [M.Venugopal vs. The State of Tamil Nadu, Rep.by its Secretary to Government, Revenue Department, Secretariat, Chennai - 600 009 and others] and as such, there cannot be any impediment on the part of the second respondent to positively dispose of the representation and therefore prays for appropriate orders.

5. Per contra, Mr.K.Dhananjayan, learned Special Government Pleader appearing for the respondents would submit that having submitted the representation to the second respondent, no acknowledgment card has been produced by the petitioner.

6. 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 either in his representation or in this writ

petition, permits the petitioner to submit one more representation to the 2nd respondent, within a period of two weeks from the date of receipt of a copy of this order. On such receipt, the 2nd and 3rd respondents are directed to consider the same on merits and in accordance with law and pass appropriate orders, within a period of ten weeks thereafter and communicate the decision taken, to the petitioner.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rgr

To

1.The Secretary to Government,
State of Tamil Nadu,
Revenue Department,
Secretariat, Fort St.George,
Chennai - 600 009.

2.The Commissioner of Revenue Administration,
Chepauk,
Chennai - 600 005.

3.The District Collector,
Villupuram District,
Villupuram.

pk(CO)
md(20/01/2017)

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