



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.09.2017

CORAM:

WEB COPY

THE HONOURABLE **MR.JUSTICE M.M.SUNDRESH**
AND
THE HONOURABLE **MR.JUSTICE N.SATHISH KUMAR**

W.A.(MD).No.1142 of 2017 &
C.M.P.(MD).No.7815 of 2017

1. The Principal Secretary to the State Government of
Tamil Nadu,
Rural Development and Panchayat Raj Department,
Secretariat, Chennai-600 009.
2. The Commissioner,
Directorate of Rural Development and Panchayat Raj Department,
Panagal Building,
Saidapet, Chennai-15.
3. The District Collector,
Pudukkottai,
Pudukkottai District. ...Appellants/ Respondents

Vs.

- 1.C.Sakthivel ...Respondent/Petitioner
- 2.The Principal Accountant General,
(Accounts and Entitlements),
361, Anna Salai, Thenampettai,
Chennai-600 018. ... Respondent/Respondent

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent against the order dated 18.09.2014 made in W.P.(MD).No.14421 of 2014.

Prayer in WP(MD). 14421/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 1st Respondent to take into account half of the service of the petitioner from 01.08.1982 to 31.05.2013 for the purpose of pension, arrears and all attendant terminal benefits with 18% of interest Per annum.

For Appellant : Mr.M.Murugan
Government Advocate

<https://hcservices.ecourts.gov.in/hcservices/>
For Respondents : Mr.P.Ganapathi Subramanian for R1
No appearance for R2

**JUDGMENT**

[Judgment of the Court was delivered by **M.M. SUNDRESH, J**]

The only ground on which the order of the learned single Judge sought to be challenged is on the basis that the first respondent/writ petitioner being originally appointed in the part time post, is not entitled to benefit of G.O.(Ms).No.39, Rural Development and Panchayat Raj (E5) Department, dated 13.06.2011, which provides 50% of the services rendered by part time pachayat clerks before they were brought into time scale of pay, shall also be taken into account for the purpose of fixing the pension.

2. As rightly, submitted by the learned counsel appearing for the first respondent/writ petitioner, the learned Single Judge allowed the writ petition based on the earlier order passed by this Court in W.A.(MD).No.1028 of 2015, wherein the Division Bench considered the very same issue with respect to a part time employee, whose services were regularised subsequently was pleased to allow the writ appeal directing the respondents to take into the services rendered as part time employee for the purpose of pension and other other terminal benefits. The afore-said judgment was once again followed by a subsequent Division Bench in W.A.(MD).No.1360 of 2015, dated 05.01.2016. The first respondent/writ petitioner stand in the very same footing. Therefore, the issue sought to be raised has already been decided against the appellant. In such view of the matter, the writ appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

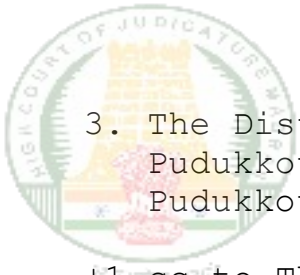
/True copy/

Sub Assistant Registrar

To

1.The Principal Secretary to the State Government of
Tamil Nadu,
Rural Development and Panchayat Raj Department,
Secretariat,
Chennai-600 009.

2. The Commissioner,
Directorate of Rural Development and Panchayat Raj Department,
Panchayat Raj Building,
Saidapet, Chennai-15.



3. The District Collector,
Pudukkottai,
Pudukkottai District.

+1 cc to The Special Government Pleader in SR.No.76955

WEB COPY

jikr

AE/KP/SAR3/22.09.2017/3P/5C

Judgment made in
W.A. (MD) .No.1142 of 2017 &
C.M.P. (MD) .No.7815 of 2017
05.09.2017