



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 13.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

AND

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.A.[MD].No.865 of 2017

and

C.M.P.[MD]No.5809 of 2017

- 1.The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
Revenue Department,
Secretariat, Chennai-600 009.
- 2.The Additional Chief Secretary,
and commissioner of Revenue Administration,
Ezhilagam, Chepauk,
Chennai-600 005.
- 3.The District Collector,
Madurai District, Madurai. ... Appellants/Respondents

Vs.

P.Manickavasagam ... Respondent / Petitioner

PRAYER : Writ Appeal is filed under Clause 15 of the Letters Patent, to set aside the order dated 14.07.2016 made in WP(MD) No.13032 of 2015 on the file of this Court.

Prayer in WP(MD). 13032/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus of a writ directing the first and third respondent i.e. and the Principal Secretary to Government, Revenue Department, Chennai and the District Collector, Madurai to send revised pension proposals to the Accountant General, Chennai including half of the services put in by the petitioner as Thalayari for the period from 5.3.1979 to 31.5.1995 i.e. for a period of 16 years under Rule 11(4) (iii) of the Tamil Nadu Pension Rules within a specified time frame that may be fixed by this Honourable Court.

For Appellants	: Mr.T.S.Md.Mohideen
	Additional Government Pleader
For Respondent	: Mr.S.Visvalingam

JUDGMENT

[Judgment of the Court was delivered by G.R.SWAMINATHAN, J.]

<https://hcservices.courts.go.in/hcservices/courts/13032/2015>
The State of Tamil Nadu is on appeal, questioning the order dated 14 July 2016, whereby W.P.(MD) No.13032 of 2015 was allowed.



2.The said writ petition was filed by the respondent herein seeking a direction for sending a revised pension proposal by including half of the service put in by him as Thalayari for the period from 05 March 1979 to 31 May 1995.

3.According to the petitioner, he was serving as Office Assistant in Taluk Office, Melur and he reached the age of superannuation on 30 September 2014. But, when sending his pension proposals, only the period of service rendered by him in regular time scale of pay i.e. from 01 June 1995 to 30 September 2014 alone was taken into account for sanction of pension. The continuous service of 16 years on consolidated pay put in by him as permanent Thalayari was not at all considered for the purpose of calculating pension. Seeking revision of his pension, he filed the said W.P.(MD) No.13032 of 2015. The learned single Judge noted that the issue was no longer res-integra. Following the earlier Division Bench decision of this Court in W.A.(MD) No.303 of 2010, said W.P.(MD) No.13032 of 2015 was disposed of by directing the appellants herein to sanction and pay pension to the writ petitioner by taking into account the service rendered by him prior to 01 June 1995 in the post of Village Assistant/Thalayari.

4.Before us, the learned Additional Government Pleader appearing for the appellants contended that the writ petitioner was working only as part-time Thalayari and that he was not on regular time scale of pay and that therefore, the question of reckoning 50% of his service as Thalayari for providing pension would not arise. On the other hand, the learned counsel appearing for the respondent/writ petitioner filed a compilation of the earlier orders passed by this Court.

5.We carefully went through the order dated 16 February 2009 dismissing W.A.(MD) No.16 of 2009. The present case is absolutely similar. The learned Additional Government Pleader could not dispute that the case on hand is squarely covered by the earlier decisions of this Court. We find no merit in this appeal.

6.Accordingly, the writ appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(Records)

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Sub Assistant Registrar

TO

+1 CC TO MR.S.VISVALINGAM, ADVOCATE, SR NO.65152

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W.A. [MD] .No.865 of 2017
and

C.M.P. [MD] No.5809 of 2017
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