

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2018

CORAM:

THE HONOURABLE MR. JUSTICE SATRUGHANA PUJAHARI

W.P.No.10421 of 2018

A.Venkatachalam

.. Petitioner

Vs

1. The Revenue Divisional Officer,
Kallakuruchi,
Villupuram District.

2. The Tahsildar,
Kallakurichi Taluk,
Kallakurichi,
Villupuram District.

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to count 50% of the services rendered from 10.06.1976 to 06.07.1982 as per Rule 11(2) of the Tamil Nadu Pension Rules 1978 and to revise the petitioner's pension and pay arrears of pension.

For Petitioner : Mr.M.Muthupandian
For RR1 & 2 : Mr.V.Kadhirvelu, Spl G.P.

ORDER

This writ petition has been filed seeking for a direction to the respondents to count 50% of the services rendered from 10.06.1976 to 06.07.1982 as per Rule 11(2) of the Tamil Nadu Pension Rules 1978 and to revise the petitioner's pension and pay arrears of pension.

2. Heard Mr.M.Muthupandian, learned counsel for the petitioner and Mr.V.Kadhirvelu, learned Special Government Pleader for the respondents.

3.The grievance of the petitioner is his pension has not been revised counting 50% of his service rendered as Village Administrative Officer before his service was taken over by the Government as per Rule 11(2) of the Tamil Nadu Pension Rules

1978, hence, he sought for writ of mandamus directing the respondents to count 50% of his service rendered as Village Administrative Officer before his service was taken over by the Government and revise his pension and pay the arrears monetary benefit to him.

4. Mr.M.Muthupandian, learned counsel for the petitioner has submitted that in the similar facts and situation, this Court has passed an order granting the relief of counting of service of 50% of service rendered on temporary basis in W.P.No.11512 of 2018 dated 28.04.2018 in the case of (T.Kuppusamy Vs. the Revenue Divisional Officer, Kallakurichi and another). The learned counsel further submits that the case of the petitioner has been squarely covered by the above said decision. Hence, in such premises though the authority ought to have taken a decision in his favour by revising his pension counting the aforesaid 50% of service, but guilty of inaction, even if a representation in this regard, is made. Hence, he sought for a direction to consider his representation in the light of the decision rendered in the case of (T.Kuppusamy Vs. the Revenue Divisional Officer, Kallakurichi and another).

4. Mr.V.Kadhirvelu, the learned Special Government Pleader has no objection for the same.

5. Considering the above facts and the submissions made by the learned counsel on either side and without going into the merits of the case, this writ petition is disposed of, with a direction to the respondents to consider the representation of the petitioner dated 02.05.2017 and dispose of the same in the light of the order passed in W.P.No.11512 of 2018 dated 28.04.2018 in the case of (T.Kuppusamy Vs. the Revenue Divisional Officer, Kallakurichi and another) and pass appropriate orders on merits and in accordance with law within a period of three weeks from the date of receipt of a copy of this order. No costs.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

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To

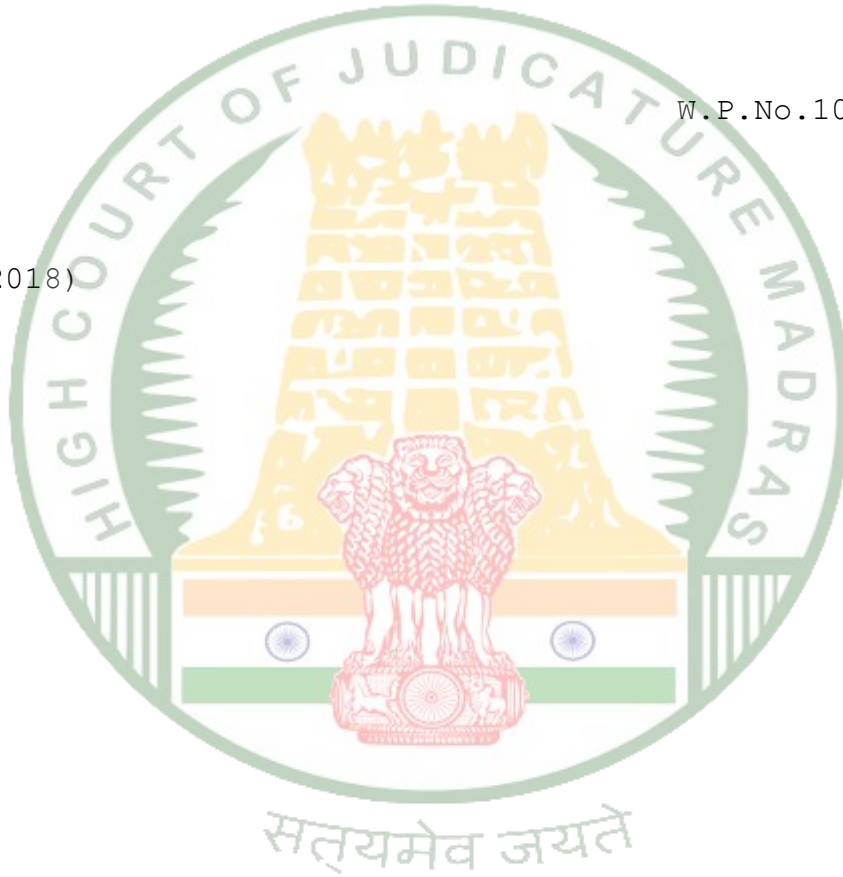
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2. The Tahsildar,
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+1 CC to Mr.M.Muthupandian, Advocate sr 36719.

W.P.No.10421 of 2018

SP(27/06/2018)



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