

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.07.2018

CORAM

THE HON'BLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.10564 of 2018

G.Nallathambi

... Petitioner

Vs.

1 The Revenue Divisional Officer,
Kallakuruchi, Villupuram District.

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

... 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 count 50% of the services rendered from 13.10.1971 to 06.07.1982 as per Rule 11(2) of the Tamil Nadu Pension Rule 1978 and to revise the petitioner's pension and pay arrears of pension.

For Petitioner : Mr.M.Muthupandian
For Respondents : Mr.V.Kathirvelu
Special Government Pleader

ORDER

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

2. The grievance of the petitioner in this Writ Petition is that his pension has not been revised counting 50% of his service rendered as Village Karnam before his service was taken over by the Government as per Rule 11(2) of the Tamil Nadu Pension Rules 1978. Hence, he has come to this Court seeking a writ of mandamus directing the respondents to count 50% of his service rendered as Village Karnam before his service was taken over by the Government and revise his pension and pay the arrears and the monetary benefit to him.

3. At the outset, the learned counsel appearing for the petitioner submits that, this Court, in similar facts and situation, passed an order granting the relief, (as sought for herein) 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, following the said decision, this Court also disposed of a Writ Petition viz., W.P.No.10421 of 2018, granting the similar relief, vide order, 11.06.2018. Hence, the learned counsel sought for a direction to consider the representation of the petitioner in the light of the decision rendered in re (T.Kuppusamy Vs. R.D.O. Kallakurichi & another).

4. Mr.V.Kadhirvelu, the learned Special Government Pleader for the respondents has no objection in following the order cited by the learned counsel for the petitioner.

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 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.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1 The Revenue Divisional Officer,
Kallakuruchi, Villupuram District.

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

+1 CC TO Mr.M.Muthupandian Advocate SR.NO. 47255

W.P.No.10564 of 2018

ASK(24/08/2018)