

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2018

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.32486 of 2018

N.A.Chakrapani

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Petitioner

Vs

1.The Secretary to Government
Finance Department
Secretariat, Fort St.George
Chennai - 600 009.

2.The Secretary to Government
Rural Development and Municipal Administration
Department, Secretariat, Fort St.George
Chennai 600 009.

3.The Accountant General (A&E)
Office of the Accountant General (A&E)
361, Anna Salai, Chennai 600 018.

4.The Revenue Divisional Officer
Cheyyar, Thiruvannamalai District

5.The Tahsildar, Cheyyar
Thiruvannamalai District.

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Respondents

For Petitioner :Mr.K.H.Ravikumar

For Respondents :Mr.R.S.Selvam, Government Advocate
- for R1,R2,R4&R5

Mr.V.Vijay Shankar - for R3

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the third respondent to sanction the revised pension and other retirement benefits to the petitioner based on the proposal sent by the fourth respondent in his proceedings RC A3/3684/2017 dated 20.02.2018 in consequence of the proposal of the fifth respondent in his Proceedings Na.Ka.No.5726/2017/A2 dated 27.07.2017 based on G.O.Ms.No.408, Finance (Pension) Department dated 25.08.2009.

O R D E R

The petitioner seeks for sanction of revised pension and other benefits based on the services rendered by him for a period of nine years in Cheyyar Panchayat Union. The petitioner was appointed as Village Munsif from 17.01.1979 to 14.11.1980. He was given a meagre amount as pension by the Government. While so, the Government had absorbed the persons appointed / worked in village offices in the village panchayats coming under the municipality in order to assist the municipal commissioners and other officials in discharging their duties and for the proper administration of village panchayats. Based on the same, the petitioner was appointed as a Panchayat Assistant by the proceedings of the Municipal Commissioner Cheyyar in proceedings dated 01.02.1991 and worked as a Panchayat Assistant till 31.3.2000 and attained superannuation on the same day. But, while calculating his pension, the service rendered as a Panchayat Assistant for the period of nine year was not taken into account for the purpose of pension as per G.O.No.408 dated 25.08.2009. Therefore, the petitioner made a representation to the authorities to calculate his pension based on the service rendered in the post of Panchayat Assistant from 01.01.991 to 31.3.2000 for the period of nine years for the purpose of pensionary benefits and for revision of pension based on the Government Order No.408 dated 25.08.2009. The fourth respondent, by his proceedings dated 27.07.2017, had sent the proposal along with the working sheet to the third respondent to sanction the pension for the period of nine years (50% of service), where he had worked as a Panchayat Assistant as per the abovesaid Government Order. However, as the third respondent has not taken any action on the same, the petitioner has filed the present writ petition.

2. Learned counsel for the petitioner would submit that if the proposal submitted by the fourth respondent is considered by the third respondent, that will be suffice for the petitioner.

3. Mr. R.S.Selvam, learned Government Advocate takes notice for respondents 1,2, 4 and 5. Mr.V.Vijay Shankar takes notice for the third respondent. Heard the learned counsel appearing on either side and perused the materials available on record.

4. In view of the limited relief sought for, this Court is of the view that it is not necessary to dwell into the merits of the issue, but it would be suffice to direct the third respondent to consider the proposal sent by the fourth respondent and pass orders on the same within a particular time frame.

5. In the above circumstances, this writ petition is disposed of directing the third respondent to consider the

proposal sent by the fourth respondent dated 27.07.2017, and pass orders thereon, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

KST

To

- 1.The Secretary to Government
Finance Department
Secretariat, Fort St.George
Chennai - 600 009.
- 2.The Secretary to Government
Rural Development and Municipal Administration
Department, Secretariat, Fort St.George
Chennai 600 009.
- 3.The Accountant General (A&E)
Office of the Accountant General (A&E)
361, Anna Salai, Chennai 600 018.
- 4.The Revenue Divisional Officer
Cheyyar, Thiruvannamalai District
- 5.The Tahsildar, Cheyyar
Thiruvannamalai District.

+lcc to Mr.K.H.Ravikumar, Advocate sr.no.84880
+lcc to Government Pleader in sr.no.85483

W.P.No.32486 of 2018

gj(co)
nr 07/01/2019