

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2018

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.33246 of 2018

R.Vijaya Ragavan

....Petitioner

Vs

1.The Director of Pension
259, Anna Salai, Block 3
II Floor, D.M.S.Compound
Teynampet, Chennai 600 006.

2.The Commissioner of Police
Chennai, Vepery, Chennai 600 007.

3.Tamil Nadu State Legal Services Authority
North Fort Road, High Court Campus
Chennai 600 014.

....Respondents

For Petitioner	:	M/s.V.Srimath
For Respondents 1 & 2	:	Mr.A.N.Thambidurai, Special Govt.Pleader

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondents to revise the petitioner's service period to include his service as a VAO in the Revenue Department between 26.04.1984 to 24.09.1987 and disburse arrears of pension and retirement benefits accordingly.

O R D E R

The petitioner has filed this writ petition to include his services as Village Administrative Officer in the Revenue Department between 26.04.1984 to 24.09.1987 and disburse the arrears of pension and retirement benefits accordingly.

2. The brief facts leading to the filing of the writ petition is as follows. The petitioner was serving as Village Administrative Officer from 26.04.1984 to 24.09.1987 for about three and half years. The petitioner tendered his resignation to the Sub Collector, Saidapet. The resignation was initially treated as one undertaken for personal reasons, but the reason

was subsequently rectified and accepted by the Acting Tahsildar, Ponneri, who relieved from services on 24.09.1987. The petitioner joined as Sub Inspector of Police on 28.09.1987 and had served in the Police department until his retirement on 30.06.2015. While considering the pensionary benefits, the office of the Accountant General did not consider the petitioner's service as a Village Administrative Officer in the revenue department, which was confirmed by the proceedings of the Office of the Accountant General dated 26.09.2015. Immediately, the petitioner sent a representation dated 16.01.2016 to the second and third respondents. The third respondent forwarded the representation to the Director General of Police on 12.02.2016, who, in turn has forwarded it to the second respondent. Thereafter, no orders have been passed. Claiming that as per Rule 23 of the Pension Rules, his past service should be considered towards the calculation of retirement benefits, the petitioner has sent reminders to the second and third respondent, which did not evoke any response. Hence, the petitioner has filed the present writ petition.

2.Mr.A.N.Thambidurai, learned Special Government Pleader takes notice for the respondents and submits that the petitioner would be entitled to the earlier services being counted, provided the petitioner has been relieved with appropriate permission from the Revenue Department as per Rule 23 of the Tamil Nadu Pension Rules.

3. Considering the facts and circumstances of the case, the respondents are directed to consider the representations of the petitioner seeking to revise the petitioner's service period to include his service as a VAO in the Revenue Department between 26.04.1984 to 24.09.1987, in terms of Rule 23 of the Tamil Nadu Pension Rules, and pass appropriate orders thereon, in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

kst
To

1.The Director of Pension
259, Anna Salai, Block 3
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2.The Commissioner of Police
Chennai, Vepery, Chennai 600 007.

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+1 CC to Govt. Pleader sr 87458.

+1 CC to Mr.V. Raghavachari, Advocate sr 86854.

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VD(CO)
SP(24/01/2019)