



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.02.2018**

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

W.P. (MD) No. 1621 of 2018

and

W.M.P. (MD) . No. 1708 of 2018

Krishna Thevar

.. Petitioner

Vs.

1. The Accountant General (A&E),
Pension,
391, Anna Salai,
Chennai.

2. The District Collector,
Tirunelveli District,
Tirunelveli.

3. The Thasildar,
Sankarankovil Taluk,
Sankarankovil,
Tirunelveli District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the entire records connected with the impugned order passed by the first respondent in PEN 26/2/PT.9592/URG/C200129/VAS/2017 -18/7424, dated 12.10.2017 and quash the same and directing the first respondent to sanction the pensionary benefits to the petitioner from the retirement by calculating the petitioner service from the petitioner's original date of appointment on 07.02.1958 with arrears in the light of the Judgment passed by this Court in W.A. (MD).No.204 to 211 of 2011, dated 14.02.2011 and on the basis of the petitioner's representation dated 28.06.2017.

For Petitioner

: Mr. K.K.Kannan

For Respondent Nos.1

: Mr. P.Gunasekaran

For Respondent Nos.2 & 3

: Mr. K.Saravanan

Government Advocate

O R D E R

Heard the learned Counsel appearing for the petitioner,
learned Standing Counsel appearing for the first respondent and
learned Government Advocate appearing for the Respondent Nos.2 &
3.



2. By consent of both parties, the main writ petition is taken up for final disposal at the stage of admission itself.

3. The petitioner was serving as Office Assistant in Perumalpatti Village, Karivalamvanthanallur, Tirunelveli and he reached the age of superannuation on 30.06.2000. But, when sending his pension proposals, only the period of service rendered by him in regular time scale of pay i.e. From 01.06.1995 to 30.06.2000 was taken into account for sanction of pension. The continuous service of 37 years on consolidated pay put in by him as permanent Thalayari was not at all considered for the purpose of calculating pension.

4. Following the earlier Division Bench decision of this Court in W.A.(MD).No.363 of 2010 [the Tahsildar vs. Esakki and other], the present writ petition is allowed by directing the respondents herein to sanction and pay pension to the petitioner by taking into account half of the service rendered by him prior to 01.06.1995 in the post of Village Assistant/Thalayari.

5. This Writ petition is allowed accordingly. No costs. Consequently, W.M.P. (MD). No. 1708 of 2018 is closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To:

1. The District Collector,
Tirunelveli District,
Tirunelveli.
2. The Thasildar,
Sankarankovil Taluk,
Sankarankovil,
Tirunelveli District.

+1cc to The Spl. Government Pleader Sr.No.49648
+1cc to Mr.K.K.Kannan, Advocate SR.No.49613
+1cc to Mr. P.Gunasekaran, Advocate Sr.No.49206

KMI

VB/KKR/SAR1/26.03.2018/2P/6C