



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2018

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**THE HON'BLE MR.JUSTICE M.M.SUNDRESH
AND
THE HON'BLE MR.JUSTICE N.SATHISH KUMAR**

W.A. (MD) No.144 of 2015
and M.P. (MD) No.2 of 2015

- 1.The Government of Tamil Nadu,
Rep. by Secretary,
Rural Development & Panchayat Raj Department,
Fort St. George, Secretariat,
Chennai - 600 009.
 - 2.The Director of Rural Development,
Panagal Building, Saidapet,
Chennai - 600 015.
 - 3.The District Collector,
Thanjavur District,
Thanjavur.
 - 4.The Block Development Officer,
(Village Panchayats),
Thiruvonam,
Thanjavur District.
- ... Appellants/Respondents 1 to 4

Vs.

- 1.K.Rajendran
 - 2.The Accountant General,
(Accounts and Entitlements),
No.361, Anna Salai,
Chennai - 600 015.
- ... Respondent/Petitioner
- ... 2nd Respondent/5th Respondent

Writ Appeal filed under Clause 15 of Letter Patent against the order passed by this Court in W.P.(MD)No.12846 of 2014 dated 17.09.2014.

Prayer in WP(MD). 12846/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the 5th respondent to count 50% of service of the petitioner as Part Time Panchayat Clerk from 24.03.1975 to 20.01.1999 for the purpose of pension and other retirement benefits.



For Appellants : Mr.A.K.Baskarapandian
Special Government Pleader

For 1st Respondent: Mr.P.Kalaiyarasi Bharathi

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JUDGMENT

(Judgment of the Court was delivered by **M.M.SUNDRESH, J**)

The issue involved is with respect to the counting of half of the services rendered as part time Panchayat Clerk while computing the pension benefits.

2.As submitted by learned counsels for both sides, the issue involved in this Writ Appeal is no longer res integra. Considering the very same issue, this Court in **W.A.No.225 of 2016 dated 07.03.2016** was pleased to hold in favour of the respondent No.1. The following paragraph of the said judgment would be apposite:

"3. The brief facts of the case are that the respondent was appointed as a Part Time Panchayat Clerk in the Jekkeri Village Panchayat, Kelamangalam Block on 01 July 1985. On 24 January 1991, he was appointed as Full Time Panchayat Assistant. Thereafter, on 29 December 2000, he was appointed as Junior Assistant. Subsequently, he retired from service on 31 October 2013.

4. The State Government took a policy decision by G.O.Ms.No.39, Rural Development and Panchayat (E5) Department dated 13 June 2011, (for short "G.O. Ms.No.39") whereunder, it was clearly observed that an employee, working in Panchayat as Full Time Clerk or Part Time Clerk and having been absorbed by the Government prior to 01 April 2003, will be entitled to counting 50% of the service as part time employee under the consolidated pay for the purpose of computation of pensionary benefits. Subsequently, the said Government Order, as pleaded by the learned Special Government Pleader appearing for the appellants, was amended by G.O.Ms.No.77, Rural Development and Panchayat Raj Department dated 12 July 2013 (for short "G.O. Ms.No.77"), whereunder, counting of 50% of service in case of Part Time Clerks was withdrawn.

5. In the case on hand, indisputably, the respondent was absorbed as Junior Assistant before 01 April 2003 and also retired from service. Thus, the respondent is entitled



to the benefit as granted in G.O.Ms.No.39 and the subsequent Government Order in G.O.Ms.No.77, would not be applicable to those employees, who were entitled to the benefit before issuance of the said Government Order.

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6. The learned single Judge has rightly come to the conclusion that 50% of the service period under the consolidated pay by way of Part Time employment will be computed for pensionary benefits. We do not find any reason to take a view contrary to the one taken by the learned single Judge."

3. In view of the above, this Writ Appeal stands dismissed. Consequently, connected Miscellaneous Petition is also dismissed. No costs.

Sd/-

Assistant Registrar (T&P)

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Sub Assistant Registrar (CS-II)

To

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Rural Development & Panchayat Raj Department,
Government of Tamil Nadu,
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5. The Accountant General,
(Accounts and Entitlements),
Mes. 361, Anna Salai,
Chennai - 600 015.



+ 1 CC TO MR.P.KALAIYARASI BHARATHI, ADVOCATE IN SR NO.82258

sj

BU/SKN/SAR-II : 03.10.2018 : 4P/7C

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