



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 27.03.2018
CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

W.P. (MD) Nos.292 & 337 of 2016

W.P. (MD) No.292 of 2016

S.Alagarsamy

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Revenue Department,
Fort St.George, Chennai-9.

2.The District Collector,
Thoothukudi District.

3.The Tashildar,
Ettayapuram Taluk,
Ettayapuram, Thoothukudi District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to take into account the service rendered by the petitioner in the post of Village Assistant from 13.06.1967 to 31.05.1995 for the purpose of pension and to revise his pension by taking into account the service rendered by the petitioner prior to his regularization in the post of Village Assistant and to pay him arrears of pension within the time that may be stipulated by this Court.

W.P. (MD) No.337 of 2016

V.Lakshmanan

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Revenue Department,
Fort St.George, Chennai-9.

2.The District Collector,
Thoothukudi District.



3.The Tashildar,
Ettayapuram Taluk,
Ettayapuram, Thoothukudi District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to take into account the service rendered by the petitioner in the post of Village Assistant from 22.12.1959 to 31.05.1995 for the purpose of pension and to revise his pension by taking into account the service rendered by the petitioner prior to his regularization in the post of Village Assistant and to pay him arrears of pension within the time that may be stipulated by this Court.

For Petitioner : Mr.A.Rahul
(in both W.Ps.)

For Respondents : Mr.J.Gunaseelan Muthaiah, A.G.P.
(in both W.Ps.)

COMMON ORDER

Mr.J.Gunaseelan Muthaiah, learned Additional Government Pleader takes notice for the respondents in both these Writ Petitions. By consent of both parties, these writ petitions are taken up for final disposal at the admission stage itself.

2.The petitioners worked as Thalayari (Village Assistant). Their service was spread over for long years. The petitioners' case is that the services rendered by them even prior to 1995 ought to have been taken into account for the purpose of calculating the pension.

3.This Court had held in more than one case that 50% of the said services rendered by a person who was working prior to 01.06.1995 shall be taken into account for pensionary purpose. In this regard, the petitioners have given representations dated 22.06.2015.

4.The first respondent is therefore directed to sanction and pay pension to the writ petitioners by taking into account the services rendered by them prior to 01.06.1995 in the post of Village Assistant/Thalayari based on their representations. This shall be done within a period of twelve weeks from the date of receipt of a copy of this order.

5.These writ petitions stand allowed. No costs.

Sd/-
Assistant Registrar (CS-II)



To

1.The Secretary to Government,
Revenue Department,
Fort St.George,
Chennai-9.

2.The District Collector,
Thoothukudi District,
Thoothukudi.

3.The Tashildar,
Ettayapuram Taluk,
Ettayapuram,
Thoothukudi District.

+2CC to Mr.A.Rahul Advocate in SR.No.58762,58763

+1CC Special Government Pleader in SR.No.58945,58946

GNS

DS/SV/MMS/SAR-4 :07.06.2018: 3P/7C

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