

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 09.02.2018****CORAM:****THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM****W.P. (MD) No.12762 of 2011**

D.Karruppaiah

... Petitioner

-Vs-

1. The State of Tamil Nadu,
rep. by the Chief Secretary to Government,
Fort St. George,
Chennai-600 009.
2. The Principal Commissioner and
Commissioner of Revenue Administration,
Chepauk,
Chennai-600 005.
3. The District Collector,
Collector's Office,
Pudukkottai District.
4. The Revenue Divisional Officer,
Revenue Divisional Officer,
Pudukkottai.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to Na.Ka.1993/2006/A3 dated 26.07.2011 on the file of the fourth respondent and quash the same and consequently to direct the third and fourth respondents to pass appropriate orders so as to enable the petitioner to get the pensionary benefits in the light of the G.O.Ms.No.828 dated 23.08.1996 and G.O.Ms.No.629 dated 22.07.1998.

For Petitioner : Mr.N.Balakrishnan

For Respondents : R.Sethuraman
Special Government Pleader**ORDER**

The order of rejection, dated 26.07.2011 in respect of the claim of the writ petitioner for pension in the post of Village Karnam is under challenge in this writ petition.



2. On a perusal of the impugned order dated 26.07.2011, it is stated that the writ petitioner was temporarily appointed as Village Karnam and with the break of service in every three months. He was serving up to 05.09.1979. A regular Karnam was appointed on 31.03.1979 and more specifically one Thiru.R.Venkatesan was appointed as permanent Karnam, consequently, the writ petitioner was relieved from the post of temporary Village Karnam on 05.09.1979. It is stated that the writ petitioner was appointed as temporary Village Karnam and once in three months his services were discharged. Again he was re-appointed. However, soon after the appointment of R.Venkatesan as permanent Village Karnam on 31.06.1990, the writ petitioner was relieved on 05.09.1979. Thus, the respondents have rejected the claim of the writ petitioner on the ground that as on the crucial dates on 14.11.1980, when Act, 10 of 1980 was enacted, the writ petitioner was not in service. The factual aspects in this regard is unable to be disputed by the writ petitioner.

3. Contrarily the learned counsel for the writ petitioner refers an order dated 06.06.1988, which is enclosed in the respondent's typed set of papers. The said order was passed by one Thiru.Danapaul, Tahsildar, Kandarovakottai and the letter was addressed to the Revenue Divisional Officer, Pudukottai. The said letter also states that there was a request made to verify the service records of the writ petitioner and issue the certificate. However, it is stated that no service record was maintained in respect of the writ petitioner. This being the factum of the case, this Court now cannot consider the claim of the writ petitioner for pension. However, no service records were maintained in respect of the writ petitioner by the competent authority during the relevant point of time and in fact the claim of the writ petitioner is not substantiate.

4. In this view of the matter, this Court is not in a position to grant any relief of pension as such sought for in this writ petition by the writ petitioner. Accordingly, this writ petition stands dismissed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Chief Secretary to Government,
The State of Tamil Nadu,

<https://hcservices.courts.gov.in/hcservices>
Chennai-600 009.



2. The Principal Commissioner and
Commissioner of Revenue Administration,
Chepauk,
Chennai-600 005.

3. The District Collector,
Collector's Office,
Pudukkottai District.

4. The Revenue Divisional Officer,
Revenue Divisional Officer,
Pudukkottai.

Rmk/ta

AE/SKN RSK/SAR3/26.02.2018/3P/5C

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