

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2019

CORAM:

THE HON'BLE MR.JUSTICE M.GOVINDARAJ

W.P.NO.23940 OF 2010
AND MP No.1 OF 2012

E.Purushothaman

... Petitioner

Vs.

1. The State of Tamilnadu
rep by its Secretary to Government
Revenue Department, PSG
Chennai-600 009

2.The District Collector
Thiruvannamalai District

3.The Revenue Divisional Officer
Cheyyar
Thiruvannamalai District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents 1 to 3 to pay the petitioner's terminal and pensionary benefits with interest within a stipulated time.

For Petitioner : Mr.G.Elanchezhiyan

For Respondents: Ms.R.Janaki, AGP

O R D E R

Petitioner was working as Village Karnam between 19.11.1975 to 28.06.1976. In the year 1980 part time posts of Village officers were abolished and post of Village Administrative Officer was introduced. Pursuant to which his service as Village Karnam stood terminated and he was considered for appointment of Village Administrative Officer.

2. Petitioner studied SSLC under Eleven plus one plus three pattern. However, G.O.Ms.No.198, Education Science and Technology Department dated 29.01.1983, has clarified that those

candidates who have passed five subjects in the Eleven year pattern are equal to SSLC passed candidates. Accordingly, the petitioner was appointed as Village Administrative Officer on 02.11.2000 on temporary basis under Rule 10(a)(i) of General Rule of the Tamilnadu State and Subordinate Services. His certificate was sent for verification by the Revenue Divisional Officer in the year 2003 for the purpose of regularising his service. In the mean while he was allowed to retire from service on 30.06.2007. It appears that the Joint Director of Government Examination by his letter No.008626/B1/2009 dated 02.06.2010 stated that the petitioner has not passed SSLC as per old scheme. On that basis petitioner services were not regularised and since he had completed only 6 years 7 months and 29 days of temporary service held that he was not eligible for pension and other monetary benefits.

3. I have considered the submissions.

4. Admittedly, the petitioner was working as part time Village Officer and thereafter in the year 2000 he was appointed as Village Administrative Officer as per the new scheme and he completed his service till the age of his superannuation and permitted to retire on 30.06.2007. Till such time, there is no dispute with regard to his educational qualification.

5. Respondents have not disputed the claim of the petitioner that as per G.O.Ms.No.198, Education Science and Technology Department dated 29.01.1983 pass in five subjects under old SSLC pattern is equivalent to pass in the 10 year SSLC pattern. All it was stated is that his services cannot be regularized as he had not put in minimum years of service for grant of pension, he has completed only 6 years 7 months 29 days of temporary service under Rule 10 (a)(i) General Rule of the Tamilnadu State and Subordinate Services.

6. In a similar circumstance, when the Village Administrative Officers/ Ex-Village Officers who were appointed as Village Administrative Officers by virtue of orders of Hon'ble Supreme Court/ Tribunal and who have not put in minimum years of service, were granted minimum pension by an order of Hon'ble Division Bench of this Court in W.P.No.2648 of 2007 dated 20.02.2007. Following the said judgment, in many number of cases, this Court has granted minimum pension. The relevant portion of the Division Bench order is extracted here under:

" When this writ petition came up for admission, learned Special Government Pleader took notice on behalf of respondents-2 to 4. Now a counter affidavit has been filed by the fourth respondent. Even in the counter affidavit, in paragraph 6, the fourth

respondent has fairly brought to our notice the issuance of the subsequent Government order in G.O.Ms.No.1036, Revenue Department dated 4.11.1997, in and by which, the benefits granted in G.O.Ms.No.756, Revenue Department dated 17.8.1993 was extended to the Ex-village Officers who came to be appointed subsequently as Village Administrative Officers, based on the orders of the Supreme Court, who retire without completing the qualifying service of ten years and who are eligible for the grant of minimum pension. In such circumstances, the case of the petitioner stands on the very same footing as that of all others who are governed by G.O.Ms.No.756, Revenue Department, dated 17.08.1999 and G.O.Ms.No.1036, Revenue Department, dated 4.11.1997. Therefore, the petitioner is also entitled to the grant of minimum pension. Even though he came to be appointed pursuant to the order of the Tribunal dated 8.4.1994 in O.A.No.525 of 1994 and even though he has not put in the minimum service of ten years.

7. In the instant case also, the petitioner is short of around 3½ years of service to minimum service of 10 years. However, he is entitled to minimum pension as directed by the Hon'ble Division Bench of this Court. The question of educational qualification, which is not disputed specifically before us need not be gone into at this stage. In view of the same, I am inclined to allow the writ petition and accordingly the respondents are directed to disburse the eligible minimum pension to the petitioner in the light of the above said judgment of the Hon'ble Division Bench within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

kpr

To

1.The Secretary to Government
Revenue Department
Chennai-600 009

2.The District Collector
Thiruvannamalai District

3.The Revenue Divisional Officer
Cheyyar,
Thiruvannamalai District

+1cc to Mr.G.Elanchezhiyan, Advocate SR.No.106316

W.P.NO.23940 OF 2010

VBA (CO)
GMV (03/02/2020)