

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.36502 of 2016

1. D.Rajendran
2. P.Balashanmugam .. Petitioners

-vs-

1. The Secretary to Government
Revenue [Service-8(2)] Department
Fort St.George
Chennai 600 009

2. The Special Commissioner
Revenue Administration
Chepauk
Chennai 600 005

3. The District Collector
Salem District, Salem

4. The Revenue Divisional Officer
Salem, Salem District

5. The District Collector
Villupuram District, Villupuram

6. The Revenue Divisional Officer
Kallakurichi, Villupuram District .. Respondents

Prayer:-

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned G.O.issued by the first respondent in G.O.Ms.No.158, Revenue [Service-8(2)] Department dated 08.04.2015 in so far as it relates to sanction the minimum pension from date of G.O and quash the same in so far as the petitioners are concerned and consequently directing the respondents to disburse the arrears of the minimum pension by calculating the minimum pension by taking note from the date of the petitioners retirement till 08.04.2015.

For Petitioners :: Mr.C.Prakasam
For Respondents :: Mrs.P.Rajalakshmi
 Additional Government Pleader

ORDER

This writ petition has been filed challenging the correctness of the impugned G.O.Ms.No.158, Revenue [Service-8 (2)] Department dated 08.04.2015 issued by the first respondent in so far as it relates to sanction the minimum pension from the date of G.O, to quash the same in so far as the petitioners are concerned with a consequential direction to the respondents to disburse the arrears of the minimum pension by calculating the minimum pension by taking note from the date of the petitioners retirement till 08.04.2015.

2. Learned counsel for the petitioners submitted that when the Government issued G.O.Ms.No.148, Revenue Department dated 20.4.2011 sanctioning the minimum pension for 199 retired Village Administrative Officers from the date of retirement, the case of the petitioners cannot be discriminated from the date of issuance of the G.O.

3. Clarifying the said position, the learned Additional Government Pleader for the respondents, drawing the notice of this Court to paragraph-6 of the counter affidavit, stated that the submission made by the learned counsel for the petitioner comparing his case with the case of 199 retired Village Administrative Officers getting the benefit as per G.O.Ms.No.148 dated 20.4.2011, is wholly misconceived. When G.O.Ms.No.148 dated 20.4.2011 was issued sanctioning the minimum pension for 199 retired Village Administrative Officers, some of them were wrongly given arrears of pension from the date of retirement and steps are being taken to recover the arrears amount paid to them. Since the petitioners have been paid the pension vide the impugned G.O.Ms.No.158, Revenue [Service 8(2)] Department dated 8.4.2015 on humanitarian consideration, even though they have not completed ten years of service, by relaxing rule 43 of the Tamil Nadu Pension Rules, 1978, they cannot have any grievance.

4. Since the petitioners were given the benefit of pension from the date of issuance of the G.O.Ms.No.158, Revenue [Service-8(2)] Department dated 8.4.2015, this Court finds no merit to entertain the writ petition. Accordingly, the writ

petition stands dismissed. Consequently, W.M.P.Nos.31412 & 31413 of 2016 are also dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ss

To

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Kallakurichi, Villupuram District

+1cc to Mr.C.Prakasam, Advocate, S.R.No.8895
+1cc to the Government Pleader, S.R.No.8761

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MR(CO)
CS/04/03/2019

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