

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :27.11.2019

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.NO.21057 OF 2019

AND

W.M.P.NO.20245 OF 2019

G.Balasubramanian

... Petitioner

vs

1. Government of Tamil Nadu,
Represented by Secretary to Government,
Revenue Department,
Secretariat, Chennai-600 009.

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

3. The District Collector,
Krishnagiri District,
Krishnagiri.

4. The Revenue Divisional Officer,
Krishnagiri.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to pass orders, directions, writs in particular a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the third respondent herein in Na.Ka.No.23866/2018/A4 dated 08.11.2018, quash the same and issue consequential directions to the first respondent to accord sanction for the payment of minimum pension to the petitioner with effect from 01.02.2009 consequent on retirement of the petitioner as Village Administrative Officer on 31.01.2009 as was granted to similarly placed Village Administrative Officer, Who have retired from service, without completing the minimum qualifying service of 10 years, in G.O.Ms.No.148, Revenue (Service 8(2) Department dated 20.04.2011 and G.O.Ms.No.158, Revenue (Ser.8(2) Department, dated 08.04.2015 and disburse the arrears with 18% interest, within a limited time frame.

For Petitioner : Mr.R.Thamariselvan
For Respondents : Mr.R.S.Selvam
Government Advocate

O R D E R

The case of the petitioner is that he was appointed as Village Administrative Officer on 27.10.2000 and retired from service on 31.01.2009, on attaining the age of superannuation. Thereafter, seeking minimum pension, he made a representation on 15.07.2017, the representation was rejected by the respondent on the ground that the petitioner did not complete the minimum 10 years of service. Challenging, the same the present writ petition is filed.

2.The learned counsel for the petitioner submitted that several Government orders were issued for granting minimum pension to the retired Village Administrative Officers, who have retired without completing 10 years of service. He further referred to G.O.Ms.No.148, dated 20.04.2011 and G.O.Ms.No.158 dated 08.04.2015 and submitted that the petitioner was re-approved as V.A.O on the basis of his eligibility and hence, he is entitled to the payment of minimum pension as was granted to hundreds of retired V.A.O's, who retired without completing the minimum 10 years of Service. Therefore, this Court may permit the petitioner to file appeal before the second respondent.

3. Mr.R.S.Selvam, learned Government Advocate appearing for the respondents submitted that on earlier occasion, the petitioner has filed a writ petition before this Court in W.P.No.20659 of 2018, dated 11.08.2018, and this Court directed the respondents to consider the representation of the petitioner dated 15.07.2017 and dispose of the same on merits within a period of 8 weeks from the date of receipt of a copy of that order. As per the order of this court, the respondent perused all Government orders and examined all the relevant records as per law with regard to sanction of minimum pension to the petitioner. The petitioner was said to have served as Karnam for few months in a village prior to the date on 14.11.1980 and the petitioner comes under category III of the list constituted by the Government. He further submitted that there are no law or Government orders to sanction minimum pension to the persons who comes under category III constituted by the Government. Further the petitioner's name does not find place in the annexure list of G.O.Ms.No.148, Revenue (Services-8(2)), Department, dated 20.04.2011 and in G.O.Ms.No.158, Revenue (Services-8(2)) Department, dated 08.04.2015. The said Government orders are

not applicable to the petitioner's case and the petitioner is also well aware of the above fact. Therefore, he prayed to dismiss the petition.

4. Considering the facts and circumstances of this case, this Court grants liberty to the petitioner to file an appeal before the second respondent and if any such appeal is filed, the second respondent shall consider the same and pass appropriate orders as expeditiously as possible from the date of filing of the appeal.

5. With the above directions the writ petition is disposed of. No Costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Government of Tamil Nadu,
Revenue Department,
Secretariat, Chennai-600 009.
2. The Commissioner of Revenue Administration,
Chepauk, Chennai-600 005.
3. The District Collector,
Krishnagiri District,
Krishnagiri.
4. The Revenue Divisional Officer,
Krishnagiri.

+1cc to Mr.R.Thamariselvan, Advocate, S.R.No.99236
+1cc to the Government Pleader, S.R.No.99410

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and
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VGI(CO)
CS/11/02/2020