

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2019

CORAM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
And
THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.A.No.2238 of 2018

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Rural Development & Panchayat Raj Department,
Fort St.George, Chennai - 600 009.
 2. The Director,
Commissionerate of Rural Development & Panchayat Raj
Panagal Building,
Saidapet, Chennai 600 015.
 3. The District Collector
Thiruvallur District,
Thiruvallur
.... Appellants / Respondents
- Vs.
- K.Arasan
.... Respondent / Petitioner

Prayer: Writ appeal filed under Clause 15 of the Letters Patent against the order dated 24.07.2017 in W.P.No.31110 of 2016.

Prayer in W.P.No.31110 of 2016:- Petition filed under Article 226 of the Constitution of India to issue of Writ of Certiorarified Mandamus, calling for the records of the 1st respondent herein in G.O.Ms.No.77 Rural Development (PA-4) department dated 12.07.2013 and quash the modification issued in para 4(a) and (b) of the said G.O. insisting full time service as Panchayat Clerk for counting the said service for pension and consequently direct the respondents herein to forthwith sanction revised pension and other retirement benefits due to the petitioner herein by counting 50% of the service rendered by the petitioner herein in the post of Panchayat Clerk during 01.08.1970 to 26.12.1990 and pay arrears of difference in pension and other monetary benefits with due interest

For Appellants : Ms.A.Sri Jayanthi
Special Government Pleader

For Respondent : Mr.V.R.Rajasekaran

J U D G M E N T

(Judgment of the Court was delivered by K.K.SASIDHARAN,J.)

The learned Single Judge by following the earlier judgments rendered by the successive Division Benches allowed the writ petition filed by the respondents and a Mandamus was issued to count 50% of the earlier service rendered by them for computation of pensionary benefits. Feeling aggrieved by the said order, the appellants have come up with this intra court appeal.

2. This issue regarding weightage to be given for the past service came up for consideration before a learned Single Judge in W.P.No.19624 of 2014. The learned Single Judge allowed the writ petition. The said order was confirmed by the Division Bench in W.A.No.191 of 2016 by judgment dated 23.02.2016. Thereafter, another Division Bench by judgment dated 24.06.2016 in W.A.No.612 of 2016 allowed a similar prayer.

3. The very same issue came up once again before a Division Bench in W.A.No.1111 of 2016 in which one of us (KKSJ) was a party. The Division Bench held that the earlier service either as part time or temporary must also be taken to compute the total period of service for pensionary benefits.

4. The learned Single Judge followed the earlier decisions rendered by the Co-ordinate Bench as well as the Division Bench. We are therefore of the view that no interference is called for in the order passed by the learned Single Judge.

5. In the upshot, we dismiss the intra court appeal. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CCC)

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Sub Assistant Registrar

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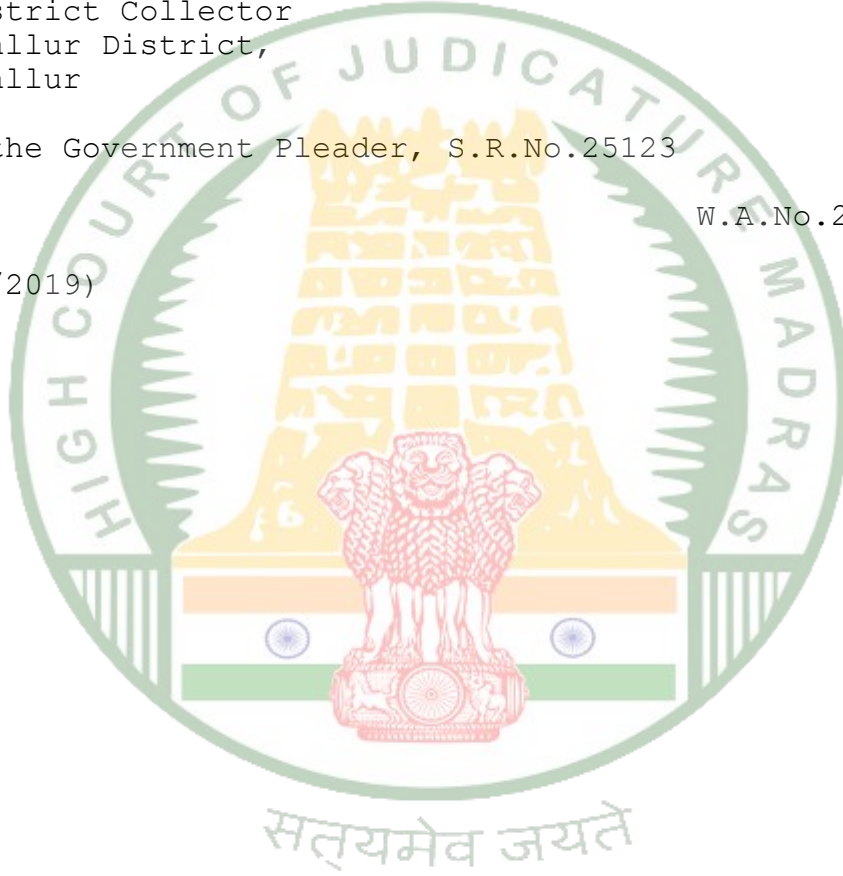
To

1. The Secretary to Government,
The State of Tamil Nadu,
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Fort St.George, Chennai - 600 009.
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Thiruvallur

+1 cc to the Government Pleader, S.R.No.25123

W.A.No.2238 of 2018

(CO)
SSM(12/06/2019)



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