



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.12.2019

CORAM:

THE HONOURABLE MRS.JUSTICE **J.NISHA BANU**

W.P (MD) No.1851 of 2013

WEB COPY

A.Jamal

.. Petitioner

Vs.

1.The District Collector,
Office of the District Collectorate,
Tiruchirappalli.

2.The Revenue Divisional Officer,
Office of the District Collectorate,
Tiruchirappalli.

3.The Tahsildar,
Taluk Office,
Srirangam, Tiruchirappalli.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for records in impugned information of the 3rd respondent dated 04.12.2012 and quash the same and further to direct the respondents to accord the pension to the petitioner by applying G.O.Ms.No.168 Revenue (Personnel 8(1) Department, dated 07.04.2010 and G.O.Ms.No.408 Finance (Pension) dated 25.08.2008 from the date of his retirement and pass such further or other orders.

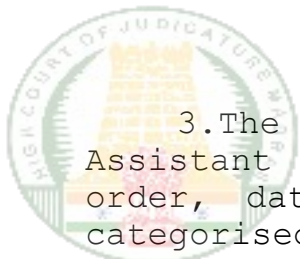
For Petitioner : Mr.K.Esakki

For Respondents : Mr.S.Dhayalan,
Government Advocate.

ORDER

This writ petition has been filed for issuance of a Writ of Certiorarified Mandamus to call for the records of the impugned information of the 3rd respondent, dated 04.12.2012 and quash the same and to direct the respondents to accord the pension to the petitioner by applying G.O.Ms.No.168, Revenue [Personnel 8(1)] Department, dated 07.04.2010 and G.O.Ms.No.408, Finance (Pension) Department, dated 25.08.2009 from the date of his retirement.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.



3.The case of the petitioner is that he joined as Village Assistant (Thalayari) in the office of the second respondent, vide order, dated 29.05.1977. During that time, the said post was categorised as non-standardized scale and after 01.06.1995, the Government has brought all Village Assistants as full worker. Though he was to retire on 14.08.1998 after completing 60 years, he was allowed to retire on 30.04.1999, by order dated 26.04.1999 passed by the second respondent. In G.O.Ms.No.168, Revenue [Personnel 8(1)] Department, dated 07.04.2010, it is stated that a Village Assistant who was brought under full time worker after 01.06.1995 from the non-standardized case and worked for ten or more years and retired, he is eligible for the minimum pension of Rs.900/- and who had worked less than 10 years and more than 5 years, he is eligible for special pension of Rs.200/-. The petitioner had worked from 29.05.1977 to 30.04.1999, i.e., more than the required period mentioned in the said G.O. Since the respondents did not sanction pension, he made representations to the respondents and lastly, he made a petition under the Right to Information Act and the third respondent sent the impugned information, dated 04.12.2012 informing that since he had worked as full timer worker from 01.06.1995 and retired on 30.04.1999, he has not satisfied the conditions to grant pension and ultimately, rejected his claim. Hence, this writ petition has been filed.

4.The learned counsel appearing for the petitioner submitted that the issue involved in this writ petition is squarely covered by the decision of this Court dated 31.07.2018 made in W.P(MD)Nos.16896 and 16921 of 2018 in the case of **Sethurama Pandiyan and another v. the Secretary to the Government, Revenue Department, St. George Fort, Chennai - 9 and others** and prayed for passing similar orders.

5.The learned Government Advocate appearing for the respondents, on instructions, submitted that the case of the petitioner would be considered by the authorities concerned, in the light of the above decision of this Court and prayed for passing appropriate orders.

6.The issue involved in this writ petition is also covered by the order of this Court in W.P(MD)Nos.16896 and 16921 of 2018, dated 31.07.2018 (**Sethurama Pandiyan and another v. the Secretary to the Government, Revenue Department, St. George Fort, Chennai - 9 and others**), wherein it has been held as follows:

"12.In view of these discussions and in view of the orders passed by this Court in number of cases, as has been referred to above and by taking into account the rule position in this regard and also taking into account the facts that, admittedly, the petitioners had been appointed long back as Village Assistants and had been rendering service for several years before they have been brought



under regular time scale of pay from 01.06.1995, this Court is inclined to pass the following order:

(i)The respondents are directed to consider the request of the petitioners for providing full or eligible pension, by reckoning the temporary, officiating and permanent service of the petitioners rendered by them prior to 01.06.1995, from the date of their respective appointment, as qualifying service, for computing the length of service for calculation of pension and gratuity ;

(ii)While calculating the said service, only 50% of the said service rendered by them from the date of appointment till 30.11.1995 shall alone be considered as qualifying service ; and

(iii)By calculating the said service, whatever the eligible pension for the petitioners that shall be calculated and the same, with arrears, shall be paid by the respondents to the petitioners, within a period of twelve weeks from the date of receipt of a copy of this order.

13.In view of the above directions, the matter is remitted to the respondents.

14.Accordingly, these writ petitions are allowed".

7.Following the same, this Court is inclined to pass the following order:

(i)The respondents are directed to consider the request of the petitioner for providing full or eligible pension, by reckoning the temporary, officiating and permanent service of the petitioner rendered by him prior to 01.06.1995, from the date of his appointment, as qualifying service, for computing the length of service for calculation of pension and gratuity;

(ii)While calculating the said service, only 50% of the said service rendered by him from the date of appointment till 31.05.1995 shall alone be considered as qualifying service; and

(iii)By calculating the said service, whatever the eligible pension for the petitioner that shall be calculated and the same, with arrears, shall be paid by the respondents to the petitioner, within a period of twelve weeks from the date of receipt of a copy of this order.

8.In view of the above directions, the impugned information of the third respondent, dated 04.12.2012 is quashed and the matter is remitted to the respondents to comply with the aforesaid directions.



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9.The writ petition is allowed accordingly. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

smn

To

1.The District Collector,
Office of the District Collectorate,
Tiruchirappalli.

2.The Revenue Divisional Officer,
Office of the District Collectorate,
Tiruchirappalli.

3.The Tahsildar,
Taluk Office,
Srirangam, Tiruchirappalli.

+1 CC to Mr.K.ESAKKI, Advocate (SR-103123[F] dated 03/12/2019)

+1 CC to SPL GP (SR-103275[F] dated 04/12/2019)

ORDER MADE IN
W.P (MD) No.1851 of 2013
03.12.2019

VB(18.12.2019) 4P 6C