



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD)No.19434 of 2019

C.Samuthiram

... Petitioner

Vs.

- 1.The Principal Secretary to Government,
Revenue Department,
Secretariat, Chennai-600 009.
- 2.The Commissioner of Revenue Administration,
Ezhilagam,
Chepauk, Chennai-600 005.
- 3.The District Collector,
Virudhunagar District,
Virudhunagar.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent i.e., the Principal Secretary to Government, Revenue Department, Secretariat, Chennai to pass order counting 50% of services of the petitioner put in by the petitioner as Thalayari for the period from 04.03.1978 to 31.05.1995 for the purpose of calculation of pension along with regular services put in by him as Village Assistant and arrange to send revised pension proposals within a specified time frame, that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam
For Respondents : Mr.VR.Shanmuganathan,
Special Government Pleader

ORDER

This writ petition is filed seeking for a mandamus directing the first respondent i.e., the Principal Secretary to Government, Revenue Department, Secretariat, Chennai, to pass order counting 50% of services of the petitioner put in by him as Thalayari for the period from 04.03.1978 to 31.05.1995 for the purpose of calculating the pension along with regular services put in by him as Village Assistant and arrange to send revised pension proposals.



2. Mr.VR.Shanmuganathan, learned Special Government Pleader takes notice for the respondents. By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself.

3. The petitioner was appointed as permanent Thalayari on consolidated pay on 04.03.1978 by Tahsildar, Virudhunagar and was working continuously without any break for the period from 04.03.1978 to 31.05.1995 in Thachakudi Village, Virudhunagar District. He was absorbed in the regular time scale of pay and his post was re-designated as Village Assistant with effect from 01.06.1995 as per G.O.(Perm) No.625, Revenue Department, dated 06.07.1995. He continued as Village Assistant upto 28.02.2009 in Thachakudi Village, Sivakasi Taluk and attained the age of superannuation on 28.02.2009 and he was allowed to retire peacefully as per the proceedings of the Tahsildar, Sivakasi in Na.Ka.A3/9473/2009, dated 28.02.2009. The respondents are taking into account his services rendered in time scale of pay and granted pension. The respondents have to count the 50% of the services rendered by the petitioner as Thalayari on consolidated pay and therefore, has come out with the present writ petition.

4. Mr.VR.Shanmuganathan, learned Special Government Pleader submitted that already the similar issue arose before this Court and the learned Single Judge of this Court, has referred the matter to the Larger Bench and the same is pending. He has also produced the copy of the said order and prayed for dismissal of the writ petition.

5. Considering the issue that 50% of the services, the person, who rendered on consolidated pay, has to be taken into account while calculating the pensionary benefits, was decided by this Court by this Court and the Hon'ble Apex Court in a number of cases, and it has been decided that 50% of the services rendered on consolidated pay has to be taken into account while calculating the pension. In view of the well settled judicial pronouncement on this issue, the writ petition is allowed as prayed for. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar

To

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

<https://hcservices.ecourts.gov.in/hcservices/>



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

3.The District Collector,
Virudhunagar District,
Virudhunagar.

+1 CC to M/s.S.VISVALINGAM, Advocate (SR-85912[F] dated
09/09/2019)

+1 CC to M/s.GP (SR-86114[F] dated 10/09/2019)

W.P. (MD) No.19434 of 2019
09.09.2019

AM

MS/30.09.2019/3P.6C