

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 16.07.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM**W.P. (MD) Nos. 3009 & 3010 of 2014****and****W.M.P. (MD) No. 19319 of 2017**

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W.P. (MD) No. 3009 of 2014

Kandasamy ... Petitioner in W.P. (MD) No. 3009/2014
V. Navaneetharaju ... Petitioner in W.P. (MD) No. 3010/2014

Vs.

1. The Principal Accountant General,
(Accounts and Entitlements),
Annasalai,
Chennai.
2. The Examiner of Local Fund Audit,
Kuralagam,
Chennai.
3. The Commissioner,
Uppiliyapuram Panchayat Union,
Uppiliyapuram Post,
Tiruchirappalli District. ... Respondents in both W.Ps

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to sanction the revised pension on taking into account of the consolidated pay period of service as per the G.O.Ms.No.408, Finance (Pension) Department, dated 25.08.2009 and also GOMS No. 68, Rural Development and Panchayat (E5) Department, dated 05.07.2013.

(In both W.Ps)

For Petitioner	: Mr.S.Muthukrishnan
For R1	: Mr.P.Gunasekaran
For R2	: Mr.K.Mu.Muthu Additional Government Pleader
For R3	: Mr.J.Gunaseelan Muthiah Additional Government Pleader

COMMON ORDER

The claim of the writ petitioners is to count the half of the service rendered by them for the post of Panchayat Clerk.

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

2. The claim of the writ petitioners is that based on the amended rule 11(4) of the Tamilnadu Pension Rules, 1978. The



temporary services are not taken into account for the purpose of reckoning the qualifying services for grant of pensionary benefits.

3. The learned counsel for the writ petitioner states that 50% of the temporary services are to be taken into account for the purpose of calculating the qualifying services for grant of pensionary benefits.

4. The learned Additional Government Pleader appearing on behalf of the respondents fairly made a submission that in a modification of the earlier Government order, the Government issued a subsequent Government order in G.O.Ms. No.77 dated 12.07.2013 granting the benefit of counting of half of the services in respect of Panchayat Clerk with certain terms and conditions. Thus, the event of satisfying the terms and conditions G.O.Ms. No.77 the writ petitioners are entitled to be considered for the purpose of grant of 50% of the services rendered as temporary employee in the post of Panchayat Clerk.

5. This being the submission made, the writ petitioner is at liberty to submit a fresh representation setting out all the facts and details and by enclosing the copy of the G.O. Ms. No.77 dated 12.07.2013 and also the service particulars. In the event of submitting such representations with complete details to the competent authority, the same shall be forwarded to the sanctioning authority and the sanctioning authority has to consider the application of the writ petitioners with reference to the terms and conditions stipulated in the Government Order as well as in the Tamilnadu Pension Rules and pass orders on merits and in accordance with law, within a period of 12 weeks from the date of receipt of the proper application from the writ petitioners.

6. Accordingly, these writ petitions stand disposed of. No Costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Principal Accountant General,
(Accounts and Entitlements),
Annasalai, Chennai.

2. The Examiner of Local Fund Audit,
<https://hcservices.ecourts.gov.in/hcservices/>
Ruralagam, Chennai.



3. The Commissioner,
Uppiliyapuram Panchayat Union,
Uppiliyapuram Post,
Tiruchirappalli District.

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+1 CC to SPL GP (SR-75723[F] dated 17/07/2019)
+1 CC to Mr.S.MUTHUKRISHNAN, Advocate (SR-75821[F] dated
17/07/2019)
+2 CC to Mr.P.GUNASEKARAN, Advocate SR-76160,76161

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