



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.10.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD)No.22673 of 2019

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K.Panchavarnam

... 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,
Ramanathapuram District,
Ramanathapuram.

... 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 sanction pension to the petitioner's late husband counting 50% of services put in by the petitioner's husband as Thalayari for the period from 17.08.1964 to 31.05.1995 and counting full services put in by the petitioner's husband as Village Assistant for the period from 01.06.1995 to 30.06.2004 and also sanction family pension to the petitioner based on the pension to be fixed for the petitioner's husband M.Karuppan, within a specified time frame, that may be fixed by this Court.

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

ORDER

This Writ Petition is filed to direct the first respondent to sanction pension to the petitioner's late husband counting 50% of services put in by the petitioner's husband as Thalayari for the period from 17.08.1964 to 31.05.1995 and counting full services put in by the petitioner's husband as Village Assistant for the period from 01.06.1995 to 30.06.2004 and also sanction family pension to the petitioner based on the pension to be fixed for the petitioner's husband M.Karuppan, within a specified time frame, that may be fixed by this Court.



2.Mr.S.Dhayalan, learned Government Advocate 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's husband was appointed as permanent Thalayari on consolidated pay on 17.08.1964 and was working continuously without any break for the period from 17.08.1964 to 31.05.1995 in Periyakeeramangalam Village, Thiruvadanai Taluk, Ramanathapuram 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 30.06.2004 in Periyakeeramangalam Village, Thiruvadanai Taluk, Ramanathapuram District and attained the age of superannuation on 30.06.2004. The respondents are taking into account his services rendered in time scale of pay and granted pension. The respondents have to count 50% of the services rendered by the petitioner as Thalayari on consolidated pay and therefore, the petitioner's wife has come out with the present Writ Petition and relied on the order dated 12.07.2016 made in W.P(MD)Nos.6905 to 6908 of 2015 and W.P.(MD) Nos.7446 to 7449 of 2016 and the judgment dated 10.08.2017 made in W.A(MD)Nos.1044 to 1051 of 2017.

4.The learned Government Advocate appearing for the respondents submitted that the petitioner was working only as part-time Thalayari and that he was not in regular time scale of pay and that therefore, the question of reckoning 50% of his service as Thalayari for providing pension would not arise.

5.Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents and perused the materials available on record carefully.

6.The issue that 50% service of a person, who rendered on consolidated pay, has to be taken into account, while calculating the pensionary benefits, was decided by this Court and the Hon'ble Apex Court, in a number of cases and it has been decided that 50% of the service rendered on consolidated pay has to be taken into account while calculating the pension.

7.I have carefully gone through the order of this Court dated 12.07.2016 made in W.P(MD)Nos.6905 to 6908 of 2015 and W.P.(MD) Nos.7446 to 7449 of 2016 and the judgment dated 10.08.2017 made in W.A(MD)Nos.1044 to 1051 of 2017. The facts of the present case is also similar to the facts of the case referred to above and the same are squarely applicable.



8. For the above reasons, the Writ Petition is allowed as prayed for. No costs.

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Sd/-

Assistant Registrar(AD-I)

// True Copy //

Sub Assistant Registrar(CS)

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To

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,
Ramanathapuram District,
Ramanathapuram.

+1CC TO MR.S.VISVALINGAM, Advocate Sr. No.94488

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 94875

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