



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.1566 of 2013

and

M.P. (MD)No.1 of 2013

S.T.S.Thiyagarajan

... Petitioner

-Vs-

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

2.The District Revenue Officer,
Tirunelveli, Tirunelveli District.

3.The Revenue Divisional Officer,
Cheran Mahadevi,
Tirunelveli District.

4.The Tahsildar,
Nanguneri Taluk,
Tirunelveli District.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records from the first respondent pertaining to the proceedings in Se.Mu.Aa.No.Na.Ka.Vani.2(2)/48 468/2011 dated 17.10.2012 confirming the orders passed by the second respondent in his proceedings Na.Ka.A1/P.S.R.3/2003 dated 19.09.2009 quash the same and consequently, direct the respondents to grant pension and also disburse all monetary benefits in terms of G.O.Ms.No.828, dated 23.08.1990 and G.O.Ms.No.753 dated 09.03.1998.

For Petitioner

: Mr.K.Baalasundharam

For Respondents

: Mr.D.Muruganantham,

Additional Government Pleader.

ORDER

The order of rejection dated 17.10.2012, rejecting the claim of the writ petitioner for grant of pension, is under challenge in the present Writ Petition.



2.The writ petitioner was employed as Village Munsif at Singikulam Village, Nanguneri Taluk, Tirunelveli District. When the writ petitioner was in service, departmental disciplinary proceedings were initiated against the writ petitioner and he was placed under suspension on 10.10.1977. Subsequently, after enquiry, the writ petitioner was dismissed from service on 10.09.1979. The post of Village Munsif was abolished by introducing the Tamil Nadu Abolition of Post of Part Time Village Officers Act (III) of 1981 with effect from 14.11.1980. As on the date of abolition on 14.11.1980, the writ petitioner was not in service. Thus, the writ petitioner is not entitled to get the benefit of the policy as on 14.11.1980. The writ petitioner was dismissed from service as part time Village Munsif on 10.09.1979 itself.

3.This apart, the writ petitioner has not pursued his remedy for the past many years and the present Writ Petition itself was filed by the writ petitioner at the age of 77 years and he would be around 83 years. Thus, the writ petitioner has not challenged the order of termination in order to pursue his remedy vigilantly. Under these circumstances, after this long time, the relief for grant of pension cannot be granted. This apart, a dismissed employee is not entitled to get pension even as per the Pension Rules.

4.Accordingly, this Writ Petition is devoid of merits and the same stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

Sub Assistant Registrar (CS)

To

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

2.The District Revenue Officer,
Tirunelveli, Tirunelveli District.

3.The Revenue Divisional Officer,
Chennai, Tirunelveli,
Tirunelveli District.



4.The Tahsildar,
Nanguneri Taluk,
Tirunelveli District.

+1 CC to M/s.K.BAALASUNDHARAM, Advocate (SR-72464[F] dated
01/07/2019)

+1 CC to M/s.SPL GP (SR-72488[F] dated 01/07/2019)

myr

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