

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.11042 of 2013

1 R.MUTHURANGAN
S/O.RASU CHETTIAR,
CHETTY ST VADUVAKKUDI POST,
KACHANAM VIA THIRUKUVALAI TALUK,
THIRUVARUR DISTRICT. PETITIONER

Vs.

1 THE STATE OF TAMILNADU
REP BY THE SECRETARY TO GOVERNMENT,
RURAL DEVELOPMENT DEPARTMENT,
FORT ST.GEORGE, CHENNAI 9

R2 DELETED VIDE ORDER DATED 27/10/2017
IN mp. 2/2013

2 THE DISTRICT COLLECTOR
THIRUVARUR DISTRICT, THIRUVARUR

3 THE ACCOUNTANT GENERAL
(ACCOUNTS AND ENTITLEMENTS) OF TAMILNADU
TEYNAMPET CHENNAI.

4 THE DIRECTOR OF RURAL DEVELOPMENT & PANCHAYAT RAJ,
PANAGAL MAALIGAI, SAIDAPET, CHENNAI.

5 THE BLOCK DEVELOPMENT OFFICER,
THIRUTHURAPOONDI, THIRUVARUR DIST.

R4 & R5 IMPEADED VIDE ORDER DATED 30/01/2018
IN wmp.nO. 35451/2017

... RESPONDENTS

(R-2 deleted as per the order dt.27.10.2017 in MP.2 of 2013 in
WP.No.11042/2013)

(R-4 & 5 are impleaded as per the order, dt.30.01.2018 in
W.M.P.No.35451 of 2017 in WP.11042/2013)

Prayer: Writ petition filed under Article 226 of the

Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned order issued by the 4th respondent in proceeding No.Pen 3/II/10307566/ADK/409 dt 11.12.2012 and quash the same and consequently direct the respondents to count 50% of the services of the petitioner from 1.8.1986 to 5.10.2005 as qualifying service for pension along with the full services from 6.10.2005 to 31.5.2010 and pay the terminal and pensionary benefits and the arrears of pension with interest.

For Petitioner : Mr.R.Prem Narayan
For Respondents 1, 3, 5&6 : Mr.J.Ramesh, A.G.P.
For Respondent No.4 : Mrs.Hema Muralikrishnan

O R D E R

The petitioner herein was initially appointed as Part Time Panchayat Clerk on a consolidated pay with effect from 1.8.1986 in Tiruvarur Panchayat Union, Tiruvarur and subsequently, the petitioner was appointed in the regular post as Junior Assistant with effect from 6.10.2005 as per the orders of the third respondent and the services of the petitioner was also regularized in the cadre of Junior Assistant with effect from 6.10.2005 and the petitioner was retired from service on 31.5.2010 on attaining the age of superannuation. The petitioner seeks 50% of the service rendered by the petitioner as Part Time Panchayat Clerk from 1.8.1986 to 5.10.2005 be counted as qualifying service along with full services rendered by the petitioner as Junior Assistant from 6.10.2005 to 31.5.2010 for pensionary benefits. As the request of the petitioners herein was rejected by the Government by way of the impugned order cited supra, the petitioner has approached this Court in the present writ petition.

2. The learned Additional Govt. Pleader and the learned Government Advocate appearing for the respondents submitted that the issue pertains to the 50% of the past service rendered by the petitioner, prior to regularisation was referred to the Hon'ble Full Bench of this Court and as per the judgment of the Hon'ble Full Bench delivered in a batch of writ appeals in W.A.No.158 of 2016 etc., dated 3.12.2019, the writ petitioner is not eligible for the relief sought for in the writ petition. The relevant portion of the judgment of the Hon'ble Full Bench reads as follows:

'46 (v) Those government servants who were appointed in the aforesaid four categories before 01.04.2003 but were absorbed in regular service after 01.04.2003 will not be entitled to count half of their past service for the

purpose of determination of qualifying service for pension.''

3. Considering the facts and circumstances of the case and in the light of the judgment rendered by the Hon'ble Full Bench cited supra, the writ petitioner is not entitled for the relief sought for in the writ petition.

4. Accordingly, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

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To

- 1 THE SECRETARY TO GOVERNMENT,
STATE OF TAMILNADU, RURAL DEVELOPMENT DEPARTMENT,
FORT ST.GEORGE, CHENNAI 9
- 2 THE DISTRICT COLLECTOR
THIRUVARUR DISTRICT, THIRUVARUR
- 3 THE DIRECTOR OF RURAL DEVELOPMENT & PANCHAYAT RAJ,
PANAGAL MAALIGAI, SAIDAPET, CHENNAI.
- 4 THE BLOCK DEVELOPMENT OFFICER,
THIRUTHURAIPOONDI, THIRUVARUR DIST.
- 5 THE ACCOUNTANT GENERAL
(ACCOUNTS AND ENTITLEMENTS) OF TAMILNADU
TEYNAMPET CHENNAI.

+1cc to Mr.R.Prem Narayan, Advocate, S.R.No. 12036
+1cc to the Government Pleader, S.R.No. 12396

W.P.No.11042 of 2013

SVI (CO)
GN(17/03/2020)