

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.36530 of 2016

1 P.Bharathi
12 Pallavaram Arumugam Street,
Wallajabad - 631 605,
Kancheepuram District ...Petitioner

Vs.

1 The Government of Tamilnadu
Rep. by the Secretary to Government,
Finance (Pension) Department,
Fort St. George, Chennai-9

2 The Principal Accountant
General (Accounts & Entitlments) Tamilnadu,
361 Anna Salai Chennai-18

3 The Collector
Kancheepuram District. ...Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to count 50% of the service rendered by the petitioner on consolidated pay in the post of Village Munsiff from 23.3.1973 to 10.8.1982 along with the service rendered in the post of Village Administrative Officer from 12.6.1984 to 31.8.2009 as qualifying service for the purpose of pension and grant all consequential benefits to the petitioner.

For Petitioner : Mr.P.Rajendran
For Respondents 1 & 3 : Mr.J.Ramesh, A.G.P.
For Respondent No.2 : Mrs.Hema Muralikrishnan

O R D E R

The writ petitioner who was initially appointed as Village Munsif on consolidated pay and thereafter, joined as Village Administrative Officer with effect from 12.3.1984 and his services were regularized in the cadre of Village Administrative Officer with effect from 24.5.1984 vide proceedings in

Rc.No.15008/86/A2 of the Revenue Divisional Officer, Kancheepuram, dated 27.3.1987 and he was permitted to retire from service on superannuation on 31.8.2009. The petitioner made a claim of 50% of the past service rendered by the petitioner on consolidated pay in the post of Village Munsiff from 23.3.1973 to 10.8.1982 be counted along with the service rendered in the post of Village Administrative Officer from 12.6.1984 to 31.8.2009 as qualifying service for the purpose of pensionary benefits. As the request of the petitioner herein was not considered by the respondents, 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 Full Bench delivered in a batch of writ appeals in W.A.No.158 of 2016 etc., dated 3.12.2019, the petitioner falls under clause (iii) of para 46 of the aforesaid judgment. The relevant portion of the judgment of the Hon'ble Full Bench of this Court reads as follows:

''46 (iii) In case, a government employee/servant had also rendered service in non-provincialised service, or on consolidated pay or on honorarium or daily wage basis and if such services were regularised before 1.4.2003, half of such service rendered shall be counted for the purpose of conferment of pensionary benefits.''

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 petitioner is directed to make fresh representation to the revenue department along with copy of this order. On receipt of the said representation, the first respondent is directed to consider the same and pass orders on merit and in accordance with law, as expeditiously as possible preferably within a period of two months from the date of receipt of copy of the order.

4. Accordingly, the writ petition is disposed of with the above directions. No costs.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

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To

1 The Secretary to Government,
Government of Tamilnadu,
Finance (Pension) Department, Fort St. George, Chennai-9

2 The Principal Accountant General
(Accounts & Entitlments) Tamilnadu,
361 Anna Salai Chennai-18

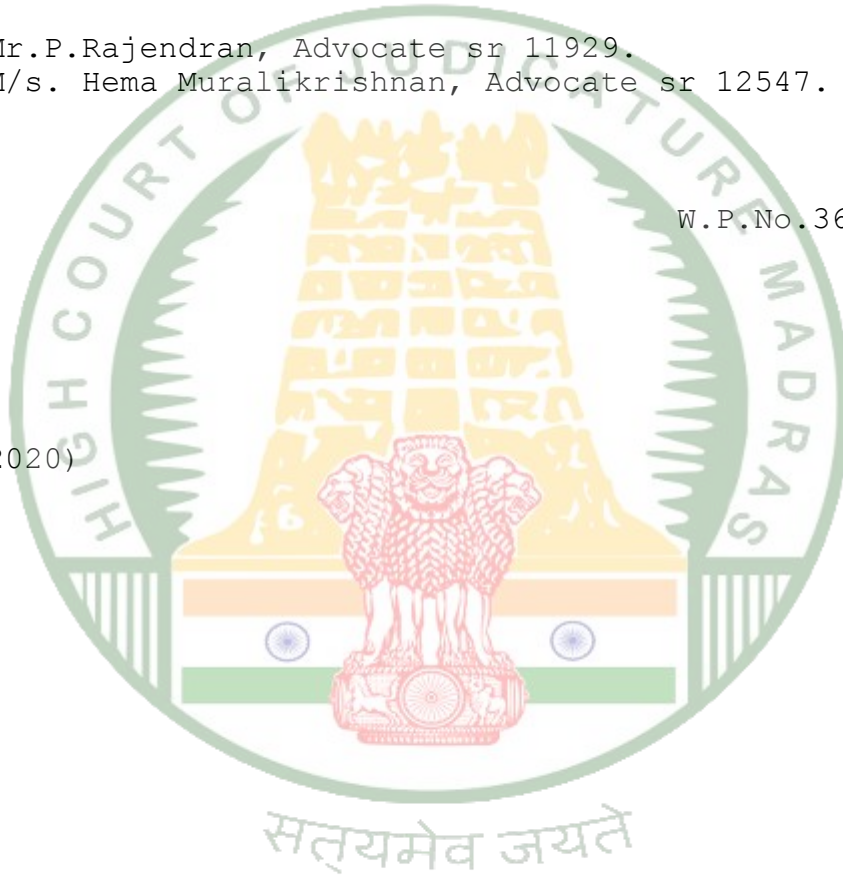
3 The Collector, Kancheepuram District.

+1 CC to Mr.P.Rajendran, Advocate sr 11929.

+1 CC to M/s. Hema Muralikrishnan, Advocate sr 12547.

W.P.No.36530 of 2016

RR(CO)
SP(13/03/2020)



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