

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.29207 of 2014 and
M.P.No.1 & 2 of 2014

A.Subramanian
S/o.Arunachalam,
No.21 Pothiyanaidu Street,
Kaveripattinam, Krishnagiri District-635 112.

...Petitioner

Vs.

- 1 The Government of Tamil Nadu
Rep. by its Principal Secretary to Govt.,
Rural Development and Panchayat
Raj Dept., Fort St. George Chennai-9.
- 2 The Principal Secretary to Govt.,
Government of Tamil Nadu,
Finance Dept., Fort St. George Chennai-9.
- 3 The Commissioner of Rural
Development and Panchayat Raj,
Panagal Building, Saidapet Chennai-15
- 4 The District Collector
Krishnagiri District, Krishnagiri.

...Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari Mandamus, calling for the records pertaining to Paragraph 4(b) of G.O.Ms. No.77 Rural Development and Panchayat Raj (PA4) Department dated 12.7.2013 of the first respondent and quash the same as illegal in so far as it relates to the petitioner and further direct the respondents to count 50% of the services rendered by the petitioners in the post of Part Time Panchayat Clerk along with regular service for the purpose of pension in accordance with G.O.Ms. No.39 Rural Development Department and Panchayat Raj, dated 13.6.2011.

For Petitioner : Mr.R.Thamaraiselvan
For Respondents : Mr.J.Ramesh, A.G.P.

O R D E R

Challenge in the writ petition is against clause 4(b) of G.O.Ms.No.77 issued by the first respondent, dated 12.7.2013, wherein it is stated that as per the G.O.Ms.No.39, dated 13.6.2011, service rendered as Part Time Panchayat Assistant cannot be taken into account for the purpose of pensionary benefits. Hence, the petitioner has approached this Court in the present writ petition.

2. According to the learned counsel appearing for the petitioner, this Court in a similar matter challenging paragraph 4(b) of G.O.Ms.No.77, Rural Development and Panchayat Raj (PA4) Department, dated 12th July, 2013, allowed the writ petition and the same was challenged before the Division Bench of this Court in W.A.No.1111 of 2016 by the respondent department, wherein the Division Bench of this Court relying upon the decision of this Court in Government of Tamil Nadu Vs. P.V.Velliyangiri (Judgment dated 11.4.2016 in W.A.No.431 of 2016) dismissed the appeal by confirming the order passed in W.P.No.2697 of 2014, that the employees who were working in a Panchayat as Full Time or Part Time Clerk having been absorbed prior to 1.4.2003 would be entitled for counting 50% of the earlier service as part time employee under the consolidated pay for the purpose of computation of pensionary benefits. The prayer sought for in the instant writ petition is squarely covered by the aforesaid decision.

3. In view of the above, paragraph 4(b) of G.O.Ms.No.77 Rural Development and Panchayat Raj (PA4) Department, dated 12th July, 2013 is quashed. The petitioner is directed to make fresh representation to the authorities concerned. On receipt of such representation, the respondent is directed consider the claim of the writ petitioner and pass appropriate orders on merit and in accordance with law.

Accordingly the writ petition is allowed on the very same terms. No costs. M.Ps. Closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

- 1 The Government of Tamil Nadu
Rep. by its Principal Secretary to Govt.,
Rural Development and Panchayat
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 - 2 The Principal Secretary to Govt.,
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Finance Dept., Fort St. George Chennai-9.
 - 3 The Commissioner of Rural
Development and Panchayat Raj,
Panagal Building, Saidapet Chennai-15
 - 4 The District Collector
Krishnagiri District, Krishnagiri.
- +1 CC to Mr.R.Thamaraiselvan, Advocate sr 13686
+1 CC to Govt. Pleader sr 13616

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MP (CO)
SP(17/07/2020)



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