



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE **M.S.RAMESH**

W.P. (MD) Nos.1685 to 1689, 2066 to 2069 and 2266 of 2019

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V.Govindaraj	...	Petitioner in W.P. (MD) No.1685 of 2019
S.Kannan	...	Petitioner in W.P. (MD) No.1686 of 2019
D.Ganapathi	...	Petitioner in W.P. (MD) No.1687 of 2019
K.Karuppasamy	...	Petitioner in W.P. (MD) No.1688 of 2019
K.Uthandakalai	...	Petitioner in W.P. (MD) No.1689 of 2019
I.Karuppiah	...	Petitioner in W.P. (MD) No.2066 of 2019
P.Rajalingam	...	Petitioner in W.P. (MD) No.2067 of 2019
S.Subbaiah	...	Petitioner in W.P. (MD) No.2068 of 2019
M.Muthukaruppan	...	Petitioner in W.P. (MD) No.2069 of 2019
P.Karuthapandian	...	Petitioner in W.P. (MD) No.2266 of 2019

/vs./

1.The Secretary to Government of Tamilnadu,
Revenue Department, Secretariat,
Chennai - 600 009.

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

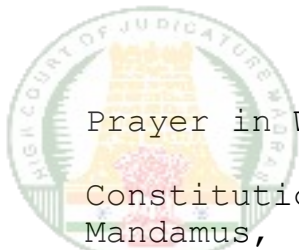
3.The District Collector,
Virudhunagar District, Virudhunagar.

4.The Accountant General (A&E),
Chennai.

[R4 has been impleaded as *suo motu*
vide order dated 10.02.2020] ... Respondents in all
the Writ Petitions

Prayer in WP(MD)No.1685 of 2019.

Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent i.e., the Principal Secretary to Government, Revenue Department, Secretariat, Chennai to pass orders counting 50% of services of the petitioner put in by him as Thalayari for the period from 04.08.1981 to 31.05.1995 for the purpose of calculation of pension along with regular services put in by him as Village Assistant and arrange to send revised pension proposals, within a specified time frame.



Prayer in WP(MD). 1686/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the first respondent i.e., the Principal Secretary to Government, Revenue Department, Secretariat, Chennai to pass orders counting 50% of services of the petitioner put in by him as Thalayari for the period from 07.03.1986 to 31.05.1995 for the purpose of calculation of pension along with regular services put in by him as Village Assistant and arrange to send revised pension proposals within a specified time frame.

Prayer in WP(MD). 1687/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the first respondent ie., the Principal Secretary to Government , Revenue Department , Secretariat, Chennai to pass orders counting 50% of services of the petitioner put in my him as Thalaiyari for the period from 15/02/1983 to 31/05/1995 for the purpose of calculation of pension along with regular services put in by him as village Assistant and arrange to send revised pension proposals.

Prayer in WP(MD). 1688/ 2019 :

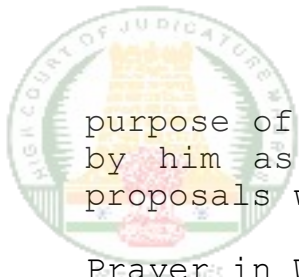
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the first respondent ie., the Principal Secretary to Government , Revenue Department , Secretariat, Chennai to pass orders counting 50% of services of the petitioner put in by him as Thalaiyari for the period from 22/03/1979 to 31/05/1995 for the purpose of calculation of pension along with regular services put in by him as Village Assistant and arrange to send revised pension proposals.

Prayer in WP(MD). 1689/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the first respondent i.e., the Principal Secretary to Government, Revenue Department, Secretariat, Chennai to pass orders counting 50% of services of the petitioner put in by him as Thalayari for the period from 13.10.1981 to 31.05.1995 for the purpose of calculation of pension along with regular services put in by him as Village Assistant and arrange to send revised pension proposals within a specified time frame.

Prayer in WP(MD). 2066/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the first respondent ie., the Principal Secretary to Government, Revenue Department, Secretariat, Chennai to pass orders counting 50% of services of the petitioner put in by him as Thalayari for the period from 24.05.1978 to 31.05.1995 for the



purpose of calculation of pension along with regular services put in by him as Village Assistant and arrange to send revised pension proposals within a specified time.

Prayer in WP(MD). 2067/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the first respondent ie., the Principal Secretary to Government, Revenue Department, Secretariat, Chennai to pass orders counting 50% of services of the petitioner put in by him as Thalayari for the period from 29.11.1985 to 31.05.1995 for the purpose of calculation of pension along with regular services put in by him as Village Assistant and arrange to send revised pension proposals within a specified time.

Prayer in WP(MD). 2068/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the first respondent ie., the Principal Secretary to Government, Revenue Department, Secretariat, Chennai to pass orders counting 50% of services of the petitioner put in by him as Thalayari for the period from 06/11/1979 to 31/05/1995 for the purpose of calculation of pension along with regular services put in by him as Village Assistant and arrange to send revised pension proposals.

Prayer in WP(MD). 2069/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the first respondent ie., the Principal Secretary to Government, Revenue Department, Secretariat, Chennai to pass orders counting 50% of services of the petitioner put in by him as Thalayari for the period from 22.12.1981 to 31.05.1995 for the purpose of calculation of pension along with regular services put in by him as Village Assistant and arrange to send revised pension proposals within a specified time.

Prayer in WP(MD). 2266/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the 1st respondent i.e., the Principal Secretary to Government, Revenue Department, Secretariat, Chennai to pass orders counting 50% of services of the petitioner put in by him as Thalayari for the period from 09.03.1986 to 31.05.1995 for the purpose of calculation of pension along with regular services put in by him as Village Assistant and arrange to send revised pension proposals.

For Petitioner in all WPs : Mr.S.Visvalingam

For Respondents in all WPs : Mr.M.Jeyakumar

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Additional Government Pleader



COMMON ORDER

The issue involved in all the writ petitions is as to whether the services of the petitioners, prior to 01.06.1995, could be counted for the purpose of calculating the pensionary benefits.

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2.All the petitioners herein have been serving on consolidated basis prior to 01.06.1995 and by G.O.Ms.No.625, dated 06.07.1995, their services as Village Assistant came to be regularized with effect from 01.06.1995. The entitlement of the petitioners to have their services counted prior to 01.06.1995 came to be challenged up to the Hon'ble Supreme Court and ultimately, it was held that such services could be taken into account for the

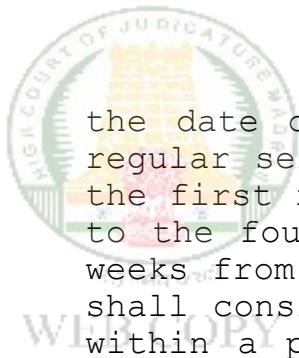
purpose of calculation of pension. When such benefits were not extended to some of the petitioners, writ petitions came to be filed before this Court and this Court in various writ petitions has placed reliance on Rule 11 (4) of the Tamilnadu Pension Rules and had been consistently directing the Government to take into account, half of the services rendered by the petitioners in non provincilised services on consolidated pay, for the purpose of calculation of retirement benefits. In one such order passed in W.A.(MD) No.370 of 2019 dated 22.10.2019, the Hon'ble Division Bench of this Court has held as follows:

17..... In such circumstances, this Court is of the view that there is no scope for reference to a larger Bench and that the order impugned in W.P.(MD) No.70 of 2019 is set aside. The writ petition in W.P.(MD) No.70 of 2019 stands allowed in tune with the earlier precedents of this Court. The first respondent is directed to pass orders counting 50% of the services of the appellant put in by him as Thalayari for the period from 07.01.1983 to 31.05.1995 for the purpose of calculation of pension along with regular services put in by him as Village Assistant and Village Administrative Officer and to send revised pension proposals, within a period of six weeks from the date of receipt of a copy of this order.

3.In view of the consistent stand taken by the Hon'ble Division Bench of this Court in identical cases, I am unable to take any contrary view. Furthermore, this Court is also of the view that 50% of the past services of the petitioners till 01.06.1995 could be taken into account for the purpose of calculation of pensionary benefits. For the purpose of directing the State, this Court *suo motu* impleads the Accountant General (A&E), Chennai as fourth respondent in these writ petitions.

4.In the light of the above observations, the first respondent herein is directed to consider the petitioners' representations and pass positive orders counting 50% of the petitioners' services from

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the date of their initial appointments till 31.05.1995 along with regular services put in by them as Village Assistant. Consequently, the first respondent herein shall send the revised pension proposals to the fourth respondent herein, atleast within a period of eight weeks from the date of receipt of a copy of this order, who in turn shall consider the same as expeditiously as possible, in any event, within a period of four weeks therefrom. The petitioners are also called upon to give copies of their representations which are claimed to have been already sent to the first respondent herein along with a copy of this order.

5. With the above directions, these Writ Petitions stand disposed of. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

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To

1. The Secretary to Government,
Revenue Department,
Secretariat,
Chennai - 600 009.

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

3. The District Collector,
Virudhunagar District, Virudhunagar.

4. The Accountant General (A&E),
Chennai.

+1CC TO Spl. Govt. Pleader, Sr.No.5610

**W.P. (MD) Nos.1685 to 1689, 2066 to 2069
and 2266 of 2019
10.02.2020**

SMA/21/05/2020/5P/6C