



W.P.(MD) Nos.4537, 5694, 5695, 6936, 8638, 12945, 12946, 13537 and 16771 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2020

CORAM:

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

W.P. (MD) Nos.4537, 5694, 5695, 6936, 8638, 12945, 12946, 13537 and 16771 of 2019

N.Rakkamuthu	... Petitioner in WP(MD)No. 4537 of 2019
P.Kaliappan	... Petitioner in WP(MD)No. 5694 of 2019
K.Shanmugaiah	... Petitioner in WP(MD)No. 5695 of 2019
M.Pitchai Kannu	... Petitioner in WP(MD)No. 6936 of 2019
N.Lakshmanan	... Petitioner in WP(MD)No. 8638 of 2019
K.Palsamy	... Petitioner in WP(MD)No. 12945 of 2019
A.Chellaiah	... Petitioner in WP(MD)No. 12946 of 2019
C.Jeyaraj	... Petitioner in WP(MD)No. 13537 of 2019
C.Sekar	... Petitioner in WP(MD)No. 16771 of 2019

/vs./

- 1.The Principal Secretary to Government,
Revenue Department,
Secretariat,
Chennai - 600 009.
 - 2.The Commissioner of Revenue Administration,
Ezhilagam,
Chepauk,
Chennai - 600 005. ... 1st & 2nd Respondent in all WPs
 3. The District Collector,
Ramanathapuram District,
Ramanathapuram. ...3rd Respondent in WP(MD)No. 4537 of 2019
- The District Collector,
Virudhunagar District,
Virudhunagar. .. 3rd Respondent in WP(MD)Nos. 5694 of 2019,
5695 of 2019, 8638 of 2019, 12945 of 2019
12946 of 2019,13537 of 2019
- The District Collector,
Tiruchirapalli District,
Tiruchirapalli. ...3rd Respondent in WP(MD)No. 6936 of 2019



The District Collector,
Madurai District,
Madurai.

...3rd Respondent in WP(MD)No. 16771 of 2019

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

[R4 has been impleaded as *suo motu*
vide order dated 10.02.2020] ... 4th Respondent in all WPs

PRAYER in WP(MD)No. 4537 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 01.10.1979 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 within a specified time frame, that may be fixed by this Court.

Prayer in WP(MD)No. 5694 of 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 Thalayari for the period from 16/05/1977 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 that may be fixed by this Hon,ble Court.

Prayer in WP(MD)No. 5695 of 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 07/11/1985 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 frame that may be fixed by this Hon,ble Court.



Prayer in WP(MD)No. 6936 of 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 put in by the petitioner as Thalayari on consolidated pay on permanent basis for the period from 24.10.1981 to 31.05.1995 and the regular service period put in by him as Village Assistant i.e., from 01.06.1995 to 31.05.2017 and further regular service put in by him as Village Administrative Officer from 01.06.2017 to 31.05.2018 i.e till the date of retirement and arrange to send pension proposals within a specified time frame, that may be fixed by this Court.

Prayer in WP(MD)No. 8638 of 2019 :

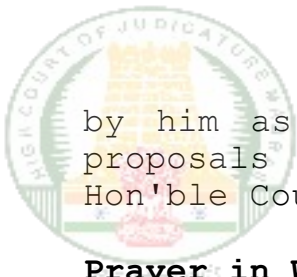
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of mandamus directing the first respondent ie., the Principal Secretary to Government, Revenue Department, Secretariat, Chennai to pass orders counting 50% of services of the petitioner put in by him as Thalayari for the period from 01/09/1976 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 that may be fixed by this Hon'ble Court.

Prayer in WP(MD)No. 12945 of 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 01.02.1982 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 that may be fixed by this Hon'ble Court.

Prayer in WP(MD)No. 12946 of 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 21/01/1985 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 frame that may be fixed by this Hon'ble Court.

Prayer in WP(MD)No. 13537 of 2019 :

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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 positive orders counting 50% of Services of the petitioner put in by him as Thalayari for the period from 23/04/1982 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 that may be fixed by this Hon'ble Court.

Prayer in WP(MD)No. 16771 of 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to directing the 1st respondent i.e. the Principal Secretary to Govt. Revenue Department, Secretariat, Chennai to pass orders counting 50 percentage of services of the petitioner put in by the petitioner as Thalayari for the period from 01.07.1981 to 31.05.1995 for the purpose of calculation of pension along with regular services put in by him as Village Assistant and Office Assistant and arrange to send revised pension proposals within a specified time frame, that may be fixed by this Hon'ble Court.

In all WPs

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.M.Jeyakumar
Additional Government Pleader

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.

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 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.



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

Sd/-

Assistant Registrar (crl side)

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/ /2020

Sub Assistant Registrar(CS)

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To

1. The Principal Secretary to Government,
Revenue Department,
Secretariat,
Chennai - 600 009.
2. The Commissioner of Revenue Administration,
Ezhilagam,
Chepauk,
Chennai - 600 005.
3. The District Collector,
Ramanathapuram District,
Ramanathapuram.
4. The District Collector,
Virudhunagar District,
Virudhunagar.
5. The District Collector,
Tiruchirapalli District,
Tiruchirapalli.
6. The District Collector,
Madurai District,
Madurai.
7. The Accountant General (A&E),
Chennai.

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10.02.2020**

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