



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2020

CORAM:

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

**W.P. (MD) Nos.22380 to 22384, 25190 & 25191 of 2018,
2321 & 2322 of 2019**

A.Subramanian,	... Petitioner in WP(MD) No. 22380/ 2018
A.Krishnan,	... Petitioner in WP(MD) No. 22381/ 2018
P.Subbiah,	... Petitioner in WP(MD) No. 22382/ 2018
V.Kurtalam,	... Petitioner in WP(MD) No. 22383/ 2018
S.Kadarkarai,	... Petitioner in WP(MD) No. 22384/ 2018
A.Vellaisamy	... Petitioner in WP(MD) No. 25190/ 2018
K.Madasamy	... Petitioner in WP(MD) No. 25191/ 2018
A.Subramanian,	... Petitioner in WP(MD) No. 2321/ 2019
A.Irulappan,	... Petitioner in WP(MD) No. 2322/ 2019

- Vs. -

1. The Principal Accountant General (A&E) Pension,
391, Anna Salai, Chennai.

2. The State of Tamil Nadu, Rep by its Secretary,
Dept. of Revenue, St. George Fort, Chennai.

3. The District Collector,
Thirunelveli District , Thirunelveli.

4. The Tahsildar, Palayamkottai Taluk Office,
Thirunelveli District

... Respondents in wp(MD) No. 22380/ 2018

1. The Principal Accountant General (A&E) Pension,
391, Anna Salai, Chennai.

2. The State of Tamil Nadu, Rep by its Secretary,
Dept. of Revenue, St. George Fort, Chennai.

3. The District Collector, Virudhunagar District , Virudhunagar.

4. The Tahsildar, Rajapalayam Taluk Office,
Virudhunagar District

... Respondents in wp(MD) No. 22381/ 2018

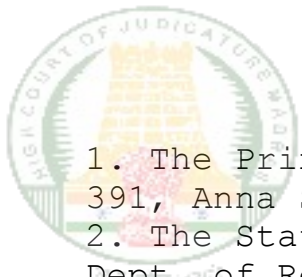
1. The Principal Accountant General (A&E) Pension,
391, Anna Salai, Chennai.

2. The State of Tamil Nadu, Rep by its Secretary,
Dept. of Revenue, St. George Fort, Chennai.

3. The District Collector, Thirunelveli District , Thirunelveli.

4. The Tahsildar, Sankarankovil Taluk Office,
Thirunelveli District

... Respondents in wp(MD) No. 22382/ 2018



1. The Principal Accountant General (A&E) Pension, 391, Anna Salai, Chennai.
2. The State of Tamil Nadu, Rep by its Secretary, Dept. of Revenue, St. George Fort, Chennai.
3. The District Collector, Virudhunagar District , Virudhunagar.
4. The Tahsildar, Rajapalayam Taluk Office, Virudhunagar District

... Respondents in wp(MD) No. 22383/ 2018

1. The Principal Accountant General (A&E) Pension, 391, Anna Salai, Chennai.
2. The State of Tamil Nadu, Rep by its Secretary, Dept. of Revenue, St. George Fort, Chennai.
3. The District Collector, Virudhunagar District , Virudhunagar.
4. The Tahsildar, Rajapalayam Taluk Office, Virudhunagar District

... Respondents in wp(MD) No. 22384/ 2018

1. The Principal Accountant General (A&E) Pension, 391, Anna Salai, Chennai.
2. The State of Tamil Nadu Rep. by its Secretary, Department of Revenue, St. George Fort, Chennai.
3. The District Collector Tirunelveli District, Tirunelveli.
4. The Tahsildar Kadayanallur Taluk Office, Tirunelveli District.

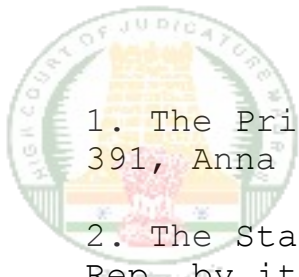
... Respondents in wp(MD) No. 25190/ 2018

1. The Principal Accountant General (A&E) Pension, 391, Anna Salai, Chennai.
2. The State of Tamil Nadu Rep. by its Secretary, Department of Revenue, St. George Fort, Chennai.
3. The District Collector Tirunelveli District, Tirunelveli.
4. The Tahsildar Sankarankovil Taluk Office, Tirunelveli District.

... Respondents in wp(MD) No. 25191/ 2018

1. The Principal Accountant General (A&E) Pension, 391, Anna Salai, Chennai.
2. The State of Tamil Nadu Rep. by its Secretary, Department of Revenue, St. George Fort, Chennai.
3. The District Collector, Tirunelveli District, Tirunelveli.
4. The Tahsildar Alangulam Taluk Office, Alangulam, Tirunelveli District.

... Respondents in WP(MD). 2321/ 2019



1. The Principal Accountant General (A&E) Pension,
391, Anna Salai, Chennai.

2. The State of Tamil Nadu
Rep. by its Secretary, Department of Revenue,
St. George Fort, Chennai.

3. The District Collector, Tirunelveli District,
Tirunelveli.

4. The Tahsildar Alangulam Taluk Office, Alangulam,
Tirunelveli District.

... Respondents in WP(MD). 2322/ 2019

Prayer in WP(MD) No. 22380/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the Respondents 2 to 4 sent revised Pension Proposal to the 1st Respondent calculating half of the services put in by the Petitioner as Village Assistant from 29.10.1985 to 01.06.1995 within a specified time frame that may fixed by the Honourable High Court.

Prayer in WP(MD) No. 22381/ 2018 :

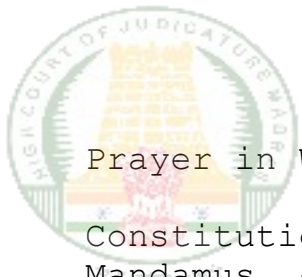
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the Respondents 2 to 4 to sent revised Pension Proposal to the 1st Respondent calculating half of the services put in by the Petitioner as Village Assistant from 27.02.1990 to 01.06.1995 within a specified time frame that may fixed by the Honourable High Court.

Prayer in WP(MD) No. 22382/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the Respondents 2 to 4 sent revised Pension Proposal to the 1st Respondent calculating half of the services put in by the Petitioner as Village Assistant from 28.10.1983 to 01.06.1995 within a specified time frame that may fixed by the Honourable High Court.

Prayer in WP(MD) No. 22383/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the Respondents 2 to 4 to sent revised Pension Proposal to the 1st Respondent calculating half of the services put in by the Petitioner as Village Assistant from 04.08.1981 to 01.06.1995 within a specified time frame that may fixed by the Honourable High Court.



Prayer in WP(MD) No. 22384/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the Respondents 2 to 4 to sent revised Pension Proposal to the 1st Respondent calculating half of the services put in by the Petitioner as Village Assistant from 20.01.1986 to 01.06.1995 within a specified time frame that may fixed by the Honourable High Court.

Prayer in WP(MD) No. 25190/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue Writ of Mandamus directing the respondents 2 to 4 to sent revised Pension Proposal to the 1st respondent calculating half of the services put in by the petitioner as Village Assistant from 18.03.1983 to 01.06.1995.

Prayer in WP(MD) No. 25191/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue Writ of Mandamus directing the respondents 2 to 4 to sent revised Pension Proposal to the 1st respondent calculating half of the services put in by the Petitioner as Village Thalayari from 08.03.1984 to 01.06.1995.

Prayer in WP(MD). 2321/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondents 2 to 4 to sent revised Pension proposal to the 1st respondent calculating half of the services put in by the petitioner as village Thalaiyari from 30.10.1985 to 01.06.1995 within a specified time frame that may fixed by the Honble High Court

Prayer in WP(MD). 2322/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondents 2 to 4 to sent revised Pension proposal to the 1st respondent calculating half of the services put in by the petitioner as village Thalaiyari from 06.04.1977 to 01.06.1995 within a specified time frame that may fixed by the Honble High Court

For Petitioner	: Mr.T.S.Mohamed Mohideen
For R1	: Mr.P.Gunasekaran
For R2 to R4	: Mr.M.Jeyakumar
	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.

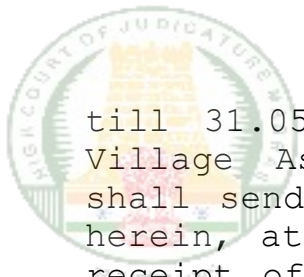
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2.All the petitioners herein have been serving on consolidated basis prior to 01.06.1995 and by G.O.Ms.No.625, dated 06.07.1995, their services as Village Assistant came to be regularized with effect from 01.06.1995. The entitlement of the petitioners 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.

4.In the light of the above observations, the second 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 second respondent herein shall send the revised pension proposals to the first 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 second 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 (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

mm

To

1. The Principal Accountant General (A&E) Pension,
391, Anna Salai,
Chennai.
2. The Secretary,
Department of Revenue,
St. George Fort,
Chennai.
3. The District Collector,
Tirunelveli District,
Tirunelveli.
4. The District Collector,
Virudhunagar.
5. The Tahsildar,
Palayamkottai Taluk Office,
Tirunelveli District.
6. The Tahsildar, Sankarankovil Taluk Office,
Thirunelveli District



7. The Tahsildar, Rajapalayam Taluk Office,
Virudhunagar District

8. The Tahsildar Kadayanallur Taluk Office,
Tirunelveli District.

9. The Tahsildar Alangulam Taluk Office,
Alangulam, Tirunelveli District.

+9 CC to M/s.T.S.MOHAMED MOHIDHEEN, Advocate (SR-5491 to 5499[F]
dated 10/02/2020)

+1 CC to M/s.P.GUNASEKARAN, Advocate SR-5683[F] dated 11/02/2020

**W.P. (MD) Nos.22380 to 22384, 25190 & 25191 of 2018, 2321 & 2322 of
2019
10.02.2020**

AL(CO)
TR(05.03.2020) 7P 20C