

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**Reserved on
07.01.2019**

**Delivered on
31.01.2019**

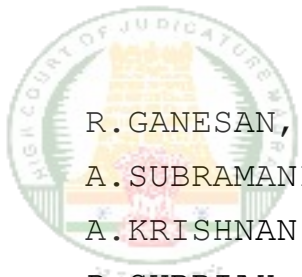
CORAM:

THE HONOURABLE MR. JUSTICE R. SUBRAMANIAN

WEB COPY

W.P. (MD) Nos.23208 to 23219 of 2018 and W.P(MD).No. 70 of 2019 and W.P(MD).Nos.23530 to 23532, 24084, 24901, 24938 to 24940 , 25190, and 25191 of 2018 and W.P(MD).No.1576 of 2019 and W.P(MD).Nos. 20773 and 21959 of 2018 and W.P(MD).Nos.22380 to 22384 of 2018 and W.P(MD).Nos.1685 to 1689 of 2019 and W.P(MD).Nos.1821 to 1823 of 2019

N.KRISHNAN	...Petitioner in WP(MD). 23208/ 2018
A.ALAGU,	... Petitioner in WP(MD). 23209/ 2018
M.ARUMUGAM,	... Petitioner in WP(MD). 23210/ 2018
M.SHANMUGAM,	... Petitioner in WP(MD). 23211/ 2018
P. RAJANGAM,	... Petitioner in WP(MD). 23212/ 2018
T.MALAICHAMY,	... Petitioner in WP(MD). 23213/ 2018
G.DURAIRAJU,	... Petitioner in WP(MD). 23214/ 2018
M.NARAYANAN,	... Petitioner in WP(MD). 23215/ 2018
S. KRISHNAN,	... Petitioner in WP(MD). 23216/ 2018
M.MAYALAGU,	... Petitioner in WP(MD). 23217/ 2018
G.MUTHURAMALINGAM,	... Petitioner in WP(MD). 23218/ 2018
M.ANGUCHAMY,	... Petitioner in WP(MD). 23219/ 2018
K.VELMAYIL,	... Petitioner in WP(MD). 70/ 2019
K.MANIVASAGAM,	... Petitioner in WP(MD). 23530/ 2018
M.PETER,	... Petitioner in WP(MD). 23531/ 2018
S.ANTONYSAMY,	... Petitioner in WP(MD). 23532/ 2018
M.KRISHNAN,	... Petitioner in WP(MD). 24084/ 2018
KR.ANGUCHAMY	... Petitioner in WP(MD). 24901/ 2018
M.THANGARAJ,	... Petitioner in WP(MD). 24938/ 2018
M.THANGARAJ,	... Petitioner in WP(MD). 24938/ 2018
K.BALAKRISHNAN,	... Petitioner in WP(MD). 24939/ 2018
R.NEELAMEGAM,	... Petitioner in WP(MD). 24940/ 2018
A.VELLAISAMY	... Petitioner in WP(MD). 25190/ 2018
K.MADASAMY	... Petitioner in WP(MD). 25191/ 2018
V.NAGARATHNAM,	... Petitioner in WP(MD). 1576/ 2019
K.CHANDRASEKAR	... Petitioner in WP(MD). 20773/ 2018



R.GANESAN,	... Petitioner in WP(MD). 21959/ 2018
A.SUBRAMANIAN,	... Petitioner in WP(MD). 22380/ 2018
A.KRISHNAN,	... Petitioner in WP(MD). 22381/ 2018
P.SUBBIAH,	... Petitioner in WP(MD). 22382/ 2018
V.KURTALAM	... Petitioner in WP(MD). 22383/ 2018
S.KADARKARAI,	... Petitioner in WP(MD). 22384/ 2018
S.MARIAPPAN	... Petitioner in WP(MD). 1682/ 2019
S.KANNAN,	... Petitioner in WP(MD). 1686/ 2019
D.GANAPATHI,	... Petitioner in WP(MD). 1687/ 2019
K.KARUPPASAMY,	... Petitioner in WP(MD). 1688/ 2019
K.UTHANDAKALAI,	... Petitioner in WP(MD). 1689/ 2019
A.PONNANGU,	... Petitioner in WP(MD). 1821/ 2019
K.RAMAIHAH,	... Petitioner in WP(MD). 1822/ 2019
T.THAVASIMANI,	... Petitioner in WP(MD). 1823/ 2019
K.VELMAYIL,	... Petitioner in WP(MD). 70/ 2019

- Vs. -

Vs.

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
Sivagangai District
Sivagangai

...Respondents in WP's 23208 to
23219/18, 70/18.23530 to 23532,24084,24901/18

1 THE PRINCIPAL SECRETARY TO GOVERNMENT,
REVENUE DEPT., SECRETARIAT, CHENNAI-600 009.

2 THE COMMISSIONER OF REVENUE ADMINISTRATION,
EZHILAGAM,CHEPAUK, CHENNAI-5.

3 THE DISTRICT COLLECTOR, RAMANATHAPURAM DT.

... Respondent(s) in WP(MD). 24938 TO 24940/ 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.

... Respondent(s) in WP(MD). 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.

... Respondent(s) in WP(MD). 25191/ 2018

1 THE SECRETARY TO GOVERNMENT, REVENUE DEPARTMENT , SECRETARIAT, CHENNAI-9.

2 THE COMMISSIONER OF REVENUE ADMINISTRATION, EZHILAGAM, CHEPAUK, CHENNAI-600 005

3 THE DISTRICT COLLECTOR, VIRUDHUNAGAR DISTRICT, VIRUDHUNAGAR

... Respondent(s) in WP(MD). 1576/ 2019

1 THE PRINCIPAL SECRETARY TO GOVT., REVENUE DEPARTMENT , SECRETARIAT, CHENNAI-9.

2 THE DISTRICT COLLECTOR, TIRUNELVELI DT, TIRUNELVELI.

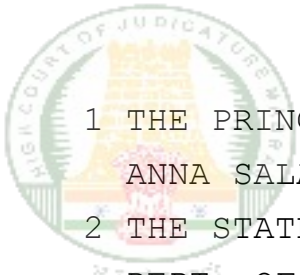
3 THE TAHSILDAR, NANGUNERI TK, NANGUNERI, TIRUNELVELI DT.

... Respondent(s) in WP(MD). 20773/ 2018

1 THE PRINCIPAL SECRETARY TO GOVERNMENT, REVENUE DEPT., SECRETARIAT, CHENNAI-600 009.

2 THE PRINCIPAL SECRETARY & COMMISSIONER OF REVENUE ADMINISTRATION, EZHILAGAM, CHEPAUK, CHENNAI-600 005.

3 THE DISTRICT COLLECTOR, TANJAVUR DISTRICT, TANJAVUR.



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 DT., THIRUNELVELI.

4 THE TAHSILDAR, PALAYAMKOTTAI TALUK OFFICE, THIRUNELVELI DT.

... Respondent(s) in WP(MD). 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 DT., VIRUDHUNAGAR.

4 THE TAHSILDAR, RAJAPALAYAM TALUK OFFICE, VIRUDHUNAGAR DT.

... Respondent(s) in WP(MD). 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 DT., THIRUNELVELI.

4 THE TAHSILDAR, SANKARANKOVIL TALUK OFFICE, THIRUNELVELI DT.

... Respondent(s) in WP(MD). 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 DT., VIRUDHUNAGAR.

4 THE TAHSILDAR, RAJAPALAYAM TALUK OFFICE, VIRUDHUNAGAR DT.

... Respondent(s) in WP(MD). 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 DT., VIRUDHUNAGAR.



4 THE TAHSILDAR, RAJAPALAYAM TALUK OFFICE, VIRUDHUNAGAR DT.

... Respondent(s) in WP(MD). 22384/ 2018

1 THE SECRETARY TO GOVERNMENT REVENUE DEPT., SECRETARIAT, CHENNAI-9.

2 THE COMMISSIONER OF REVENUE ADMINISTRATION, EZHILAGAM, CHEPAUK, CHENNAI-5.

3 THE DISTRICT COLLECTOR VIRUDHUNAGAR DT., VIRUDHUNAGAR.

... Respondent(s) in WP(MD). 1685 TO 1689/ 2019

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 DIST, RAMANATHAPURAM.

... Respondent(s) in WP(MD). 1821 TO 1823/ 2019

Prayer in W.P(MD).No.23208 of 2018:- Petition filed under Article 226 of the Constitution of India praying for issuance of 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 03.02.1987 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). 23209 of 2018 :

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 29.01.1985 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...

Prayer in WP(MD). 23210 of 2018 :

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 01.08.1990 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). 23211 of 2018 :

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 19.07.1990 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). 23212 of 2018 :

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 19.06.1981 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...

Prayer in WP(MD). 23213 of 2018 :

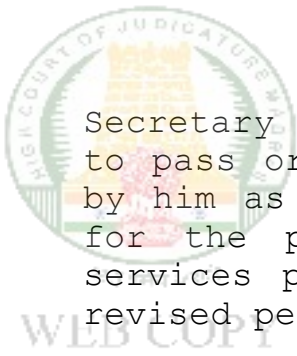
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the first respondent i.e., the Principal Secretary to Government, Revenue Department, Secretariat, Chennai to pass orders counting 50% of services of the petitioner put in by him as Thalayari for the period from 28.01.1977 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...

Prayer in WP(MD). 23214 of 2018 :

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 16.09.1979 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). 23215 of 2018 :

<https://hcservices.ecourts.gov.in/HCServices/> 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 20.08.1988 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). 23216 of 2018 :

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 01.06.1986 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...

Prayer in WP(MD). 23217 of 2018 :

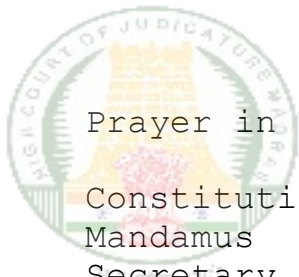
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the first respondent i.e., the Principal Secretary to Government, Revenue Department, Secretariat, Chennai to pass orders counting 50% of services of the petitioner put in by him as Thalayari for the period from 01.04.1968 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). 23218 of 2018 :

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 05.05.1972 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). 23219 of 2018 :

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 28.06.1974 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). 70 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 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....

Prayer in WP(MD). 23530 of 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue 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 at Thalayari for the period from 05.05.1979 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 proposal within a specified time frame, that may be fixed

Prayer in WP(MD). 23531 of 2018 :

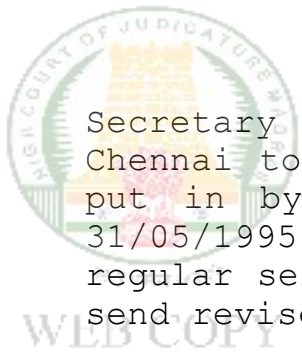
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue Writ of Mandamus directing the first respondent i.e. the Principal Secretary to Government, Revenue Department, Secretariat, Chennai to pass orders counting 50% of services of the petitioner put in by him at Thalayari for the period from 18.06.1987 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 proposal within a specified time frame, that may be fixed

Prayer in WP(MD). 23532 of 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue 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 at Thalayari for the period from 04.06.1980 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 proposal within a specified time frame, that may be fixed

Prayer in WP(MD). 24084 of 2018 :

<https://hcservices.ecourts.gov.in/HCServices/> 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 15/07/1982 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 .

Prayer in WP(MD). 24901 of 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue 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 13.08.1981 to 31.05.1995 for the purpose of calculation of pension along with regular services put in by him as Village Assistant..

Prayer in WP(MD). 24938 of 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified mandamus, calling for the records of the third respondent i.e., the District Collector, Ramanathapuram passed in his R.C.A4/26028/2018 dated 20.11.2018 and quash the same and consequently direct the first respondent i.e., the Principal Secretary to Government, Revenue Department, Chennai to instruct the District Collector, Ramanathapuram to send revised pension...

Prayer in WP(MD). 24939 of 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for records of the third respondent ie., the District Collector, Ramanathapuram passed in his R.C.A4 / 26028 / 2018 dated 20/11/2018 and quash the same and consequently direct the first respondent ie., the Principal Secretary to Government , Revenue Department , Chennai to instruct the District Collector, Ramanathapuram to send revised pension proposals to the Accountant General , Chennai.....

Prayer in WP(MD). 24940 of 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records of the third respondent i.e., the District Collector, Ramanathapuram passed in his R.C.A4/26028/2018 dated 20.11.2018 and quash the same and consequently direct the first respondent i.e., the Principal Secretary to Government, Revenue Department, Chennai to instruct the District Collector, Ramanathapuram to send revised pension...

<https://hdservices.courts.gov.in/hdservices/> Prayer in WP(MD). 25190 of 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To 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). 25191 of 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To 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). 1576 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 put in by the petitioners husband as Thalayari for the period from 29/08/1977 to 31/05/1995 for the purpose of calculation of pension along with regular services put by him as Village Assistant and arrange to send revised family pension proposals

Prayer in WP(MD). 20773 of 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 ie., the Principal Secretary to Government , Revenue Department , Chennai, the District Collector, tirunelveli and the Tahsildar, Nanguneri taluk to send revised pension proposals counting 50% of the services put in by the petitioner in the cadre of Thalayari for the period from 03/12/1985 to 31/05/1995 for the purpose of calculation of pension.

Prayer in WP(MD). 21959 of 2018 :

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 Dept., Secretariat, Chennai to pass orders counting 50% of services of the petitioner put in by him as Thalayari for the period from 19.06.1967 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....

Prayer in WP(MD). 22380 of 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). 22381 of 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). 22382 of 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 29.10.1983 to 01.06.1995 within a specified time frame that may fixed by the Honourable High Court.

Prayer in WP(MD). 22383 of 2018 :

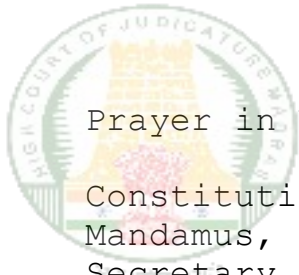
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the Respondents 2 to 4 to sent revised Pension Proposal to the 1st Respondent calculating half of the services put in by the Petitioner as Village Assistant from 04.08.1981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

Prayer in WP(MD). 22384 of 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). 1685 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 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 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 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 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 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 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 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 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 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). 1821 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 10.07.1978 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 frame,.....

Prayer in WP(MD). 1822 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 21/08/1973 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). 1823 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 16.08.1981 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.....

In W.P.(MD) Nos.23208 to 23219 of 2018 and W.P(MD).No. 70 of 2019 and W.P(MD).Nos.23530 to 23532, 24084, 24901, 24938 to 24940 , 25190 & 25191 of 2018:

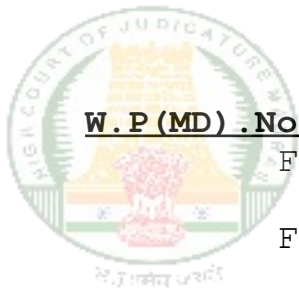
For Petitioners : Mr.S.Visvalingam
For R1 : Mr.P.Gunasekaran
For R2 & R3 : Mr.J.Gunaseelan Muthiah
Additional Government Pleader

In W.P(MD).Nos.1576 of 2019, 1685 to 1689 of 2019 and 1821 to 1823 of 2019:

For Petitioners : Mr.S.Visvalingam
For Respondents : Mr. A.Muthukaruppan
Additional Government Pleader

In W.P(MD).Nos. 20773 and 21959 of 2018

For Petitioners : Mr.S.Visvalingam
For Respondents : Mr.C.Ramar
Additional Government Pleader



W.P(MD).Nos.22380 to 22384 of 2018

For Petitioners : Mr.T.S.Mohamed Mohideen

For R1 Mr.P.Gunasekaran for Accountant General

For R2 to R4 Mr.J.Gunaseelan Muthiah
Additional Government Pleader

O R D E R

The petitioner in all these writ petitions are the retired village assistants who were initially appointed as Thalayaris and were subsequently absorbed in the regular time scale of pay.

2.The grievance of the petitioners is that while calculating retirement benefits of the petitioners, the period during which they had worked as Thalayaris was not included on the ground that they had served as such in a temporary part time capacity. The petitioners had made various representations to the Government seeking inclusion of 50% of their services rendered as temporary employees in terms of Rule 11(4) of the Tamil Nadu Pension Rules, 1978. Since their representations were not considered by the Government, the petitioners have come forward with the above writ petitions.

3.The claim of the petitioners is resisted by the Government on the ground that all the petitioners had worked only as Thalayaris only in a part time capacity and therefore, Rule 11(4) of the Tamil Nadu Pension Rules, 1978 would not be applicable to them.

4.I have heard Mr.S.Visvalingam, Mr.T.S.Mohamed Mohideen, learned counsel appearing for the petitioners and Mr.C.Ramar, Mr.J.Gunaseelan Muthiah, Mr.A.Muthukaruppan, learned Additional Government Pleaders for the State and Mr.P.Gunasekaran, learned counsel for Principal Accountant General.

5.While the learned counsels for the petitioners would rely upon various orders passed by the Hon'ble Division Benches of this Court dismissing the appeals filed against the orders of the learned single Judges directing the Government to include 50% of the services rendered while calculating the pensionary benefits of similarly placed Village Assistants.

6.The Hon'ble Division Bench of this Court in W.A.(MD).No.16 of 2009 had considered a similar case and held that the village assistants who were appointed as part time employees would be entitled to the benefits of Rule 11(4) of the Tamil Nadu Pension Rules, 1978, hence 50% of their services in temporary part time



capacity shall be taken into account for the purpose of calculation of their pension. A discordant note was however struck by The Hon'ble Mr. Justice S. Vaidyanathan, in **M. Vellaiyan Vs. The Secretary to Government, Department of Revenue and others**, wherein the learned Judge after taking note of the provisions contained in the Tamil Nadu Village Servants Conduct Rules concluded that the village servants who are governed by the Tamil Nadu Village Servant Conduct Rules, will not be entitled to the benefit of the Rule 11(4) of the Tamil Nadu Pension Rules, 1978. While doing so, the learned Judge had observed as follows:

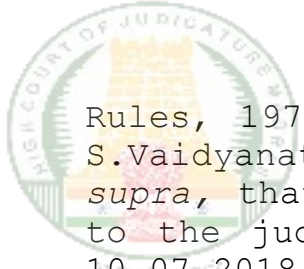
"13. The Division Bench and the learned Single Judge of this Court in the decisions quoted supra have not taken into account the Tamil Nadu Village Service Rules 1980 and also the Tamil Nadu Village Servant Conduct Rules, 1983. In terms of the aforesaid rules, the posts held by persons, pursuant to the said Rules, belong to non-pensionable service. If the petitioner's services is counted as pensionable one, only then, Tamil Nadu Pension Rules will apply

14. Rule 11(4) of the Tamil Nadu Pension Rules, 1978 quoted by the respondents may not be applicable to the facts of this case, as this has been introduced in the year 2010. Even otherwise, reading Rule 11(1) in isolation, the petitioner's services cannot be treated as a pensionable service.

15. It is no doubt true that, there is a Government order extending the benefit to one other employee granting pensionary benefits. That may not be applicable to the facts of this case. In view of the observations mentioned in the said order, which has been extracted supra, it has been made very clear that 'as a special case', the pensionary benefits can be extended and that it cannot be treated as a precedent'

16. Two wrongs will not make a thing right. The Government order extending the benefits to the employee whose name is referred supra itself is bad. But however, this Court is not passing any order directing the respondents to stop the pensionary benefits, as he has the benefit of pension and will continue to enjoy the benefit. As long as Tamil Nadu Village Servants Service Rules, 1980 does not support the case of the petitioner and also as long as Rule 16(2) is there in the Rules, persons like the petitioner cannot be entitled to the pensionary benefits "

7. However, another learned single Judge of this Court (The Hon'ble Mr. Justice R. Suresh Kumar) had an occasion to consider the similar issue in W.P(MD).No.14245 of 2018 etc., batch. The learned Judge rejected the contention of the Government that the village assistants having been appointed in part time basis are not entitled to the benefits of Rule 11(4) of the Tamil Nadu Pension



Rules, 1978. It is seen from the order of the Hon'ble Mr. Justice S. Vaidyanathan dated 05.09.2018 in Mr. M. Vellaiyan case referred to *supra*, that the attention of the learned Judge has not been drawn to the judgment of the Hon'ble Mr. Justice R. Suresh Kumar, dated 10.07.2018. The Hon'ble Mr. Justice R. Suresh Kumar had also considered the special pension rules namely, the Tamil Nadu Village Assistants Pension Rules, 1995, while concluding that the village assistants who were appointed originally as part time Thalayaris are entitled to inclusion of 50% of their temporary services for determining their pension. It is thus clear that there are conflicting Judgments of two single Judges relating to the same issue. Hon'ble Mr. Justice S. Vaidyanathan had not chosen to follow the earlier Division Bench judgments on the very same point on the ground that the Special Rules namely, the Tamil Nadu Village Servants Conduct Rules 1983, were not considered by the Division Benches and the Single Judges. The Hon'ble Mr. Justice R. Suresh Kumar had after considering the Special Rules held that Rule 11(4) of the Tamil Nadu Pension Rules, 1978 would apply to the village servants. I am therefore of the considered opinion that the issue needs to be resolved by a Larger Bench, in view of the conflicting conclusions reached by the two single Judges of this Court. I therefore, direct the Registry to place the papers before My Lord, The Hon'ble The Chief Justice for referring the matter to Larger Bench to decide the question relating to applicability of Rule 11(4) of the Tamil Nadu Pension Rules, 1978 to village assistants who were originally appointed as part time Thalayaris and whose services were regularised with effect from 01.06.1995 or subsequently thereto.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

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
Sivagangai District

Sivagangai



4.The Principal Secretary to TN Government,
Revenue Department, Secretariat, Chennai 9

5.The District Collector,
Ramanathapuram District

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

7.The District Collector, Tirunelveli

8.The Tahsildar, Kadayanallur Taluk office,
Tirunelveli District

9.The Tahsildar, Sankarankovil Taluk office,
Tirunelveli District

10.The Inspector General of Registration,
Santhome High Road, Chennai 4

11.The Thasildar, Nanguneri Taluk, Tirunelveli District

12.The District Collector, Thanjavur District

13.The Thasildar, Palayamkottai Taluk Office,
Tirunelveli District

14.The District Collector, Virudhunagar

15.The Tahsildar, Rajapalayam Taluk Office,
Virudhunagar District

+31 cc to Mr.S.Visvalingam , Advocate SR.No.44543,43180,44371 to
44380,44184 to 44189,44076 to 44079 and 44545 to 44553

sms/msa

Order in

W.P.(MD) Nos.23208 to 23219 of 2018 and W.P(MD).No. 70 of 2019 and
W.P(MD).Nos.23530 to 23532, 24084, 24901, 24938 to 24940 , 25190,
and 25191 of 2018 and W.P(MD).No.1576 of 2019 and W.P(MD).Nos.
20773 and 21959 of 2018 and W.P(MD).Nos.22380 to 22384 of 2018
and W.P(MD).Nos.1685 to 1689 of 2019 and W.P(MD).Nos.1821 to 1823
of 2019:

31.01.2019

KM/(28.02.2019) 17P 47C