

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.2004 of 2019

P.Panchavarnam

... Petitioner

Vs.

1. The Tahsildar,
Cheyyur Taluk Office,
Cheyyur,
Kanchipuram District.

2. The Accountant General/(A & E),
Office of the Principal Accountant General,
Anna Salai, Teynampet,
Chennai 600 018.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, seeking to direct the Respondents to calculate the Petitioner's entire service period of 23 years for pension (i.e. from 01.07.1987 to 31.05.1995) in the light of W.A.(MD) No.313 of 2016 and W.P.(MD) No.11807 of 2014, sanction revised pension along with arrears.

For Petitioner : Mr.P.Murali
For 1st Respondent : Mr.R.A.S.Senthilvel,
Addl. Government Pleader
For 2nd Respondent : Mrs.J.Sreevidya

सत्यमेव जयते
O R D E R

Petitioner has come up with this Writ Petition seeking a direction to the Respondents to calculate her entire service period of 23 years for pension (i.e. from 01.07.1987 to 31.05.1995) in the light of the decisions made by this Court in W.A.(MD) No.313 of 2016 and W.P.(MD) No.11807 of 2014, and sanction revised pension along with arrears.

2. According to the Petitioner, he was appointed as a Village Assistant on 01.07.1987 on temporary basis and his service was regularized on 01.06.1995. On his retirement from service on 31.05.2010, he applied for retirement/terminal benefits including pension before the 1st Respondent. Thereafter, the 1st Respondent forwarded the Petitioner's pension

proposal to the 2nd Respondent herein, and the latter had also sanctioned pension to the Petitioner. However, Respondents took his date of appointment as 01.06.1995, i.e. the date of his service regularization for calculation of pension, instead of 01.07.1987, i.e. the date of his initial appointment.

3. Aggrieved by the same, the Petitioner filed a Writ Petition in W.P.No.32346 of 2012 and the same was allowed by this Court on 21.08.2017 with a direction to sanction pension to the Petitioner by calculating 50% of the temporary period. Accordingly, out of 8 years temporary period (i.e. from 01.07.1987 to 31.05.1995), 4 years of service period has been taken and revised pension was also fixed by the Respondents. As this Court has rendered judgment in W.A.(MD) No.313 of 2016 and W.P.(MD) No.11807 of 2014 to the effect that, for grant of pension to Village Assistant, service has to be counted from the date of appointment, the Petitioner made a representation to the Respondents on 06.06.2018 to grant revised pensionary benefits, taking note of his entire service period. As no action is forthcoming on his representation, the Petitioner has come up with the present Writ Petition.

4. Heard the learned counsel on either side and perused the material documents available on record.

5. Whether the principles laid down by this Court in W.A. (MD) No.313 of 2016 and W.P.(MD) No.11807 of 2014 is applicable to the facts of this case, is for the Respondents to decide. Hence, this Court directs the 2nd Respondent herein to consider the Petitioner's representation dated 06.06.2018 on merits and in accordance with law, after affording an opportunity of hearing to the Petitioner either through virtual hearing or through physical hearing, and pass appropriate orders within a period of sixty days from the date of receipt of a copy of this order.

6. It is made clear that, if the Petitioner is unable to appear before the Authority concerned either physically or virtually, it is open to her to make Written Submissions to the said Authority within a period of thirty days from the date of receipt of a copy of this order.

7. Petitioner shall furnish her phone number, email ID, if any, etc., along with a copy of her representation dated 06.06.2018 and a copy of this order, to the 2nd Respondent forthwith. The 2nd Respondent is directed to communicate the decision taken on the representation to the Petitioner herein within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/Registered Post/Speed Post, so that, there is no need for the parties to file contempt after expiry of the specified period. In case, the authorities concerned fail to send communication to the parties, they will have to face civil imprisonment in case of contempt proceedings and, if they are unable to serve the order and the cover being returned unserved for one reason or the other, the same shall be

kept in the file without opening it for the sake of proof of delivery, so that the parties, at a later point of time, will not take a plea that he/she is not aware of the order of this Court.

With the above direction, this Writ petition is disposed of.
No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

(aeb)

To:

1. The Tahsildar,
Cheyyur Taluk Office,
Cheyyur,
Kanchipuram District.
2. The Accountant General/(A & E),
Office of the Principal Accountant General,
Anna Salai, Teynampet,
Chennai 600 018.

+1 cc to Mr.P.Mirali, Advocate Sr.No. 13035
+1 cc to Mr.J.Sreevidhya, Advocate Sr.No. 13625
+1 cc to The Government Pleader Sr.No. 13218

W.P.No.2004 of 2019

GPL(CO)
RMP(22/03/2021)

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