



WEB COPY

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 15.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.10865 of 2019

A.Khadar

...Petitioner

Vs

1. The Government of Tamil Nadu,
Rep. by its Principal Secretary to
Government,
Rural Development & Panchayat
Raj Department,
Fort St. George, Chennai - 600 009.
2. The Director of Rural Development &
Panchayat Raj,
Panagal Building,
Saidapet, Chennai - 600 015.
3. The Principal Accountant General
(A&E) Tamil Nadu,
No.361, Anna Salai,
Chennai - 600 018.
4. The District Collector,
Namakkal District,
Namakkal.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to paragraph 4(b) of G.O.Ms.No.77, Rural Development and Panchayat Raj Department dated 12.07.2013 of the first respondent and quash the same insofar relates to not counting the services rendered by the petitioner in part time Panchayat Clerk along with regular service for the purpose of pension and direct the respondents to count 50% services rendered in the post of panchayat clerk from 01.09.1981 till 31.12.1990 along with regular service for the purpose of granting pension.

For Petitioner : Mrs.T.Hemalatha
For R1, 2 & 4 : Mr.K.V.Sajeev Kumar
Government Counsel
For R3 : Mrs.T.S.Selvarani
Standing Counsel



ORDER

By consent of both the parties, this writ petition is taken up for final disposal.

2. The petitioner herein had rendered services under the respondents herein as a Part Time Panchayat Clerk from 01.09.1981 to 31.12.1990. The grievance of the petitioner is that 50% of his services rendered in the post of Part Time Panchayat Clerk was taken into consideration for the purpose of computing grant of pension and therefore, the learned counsel for the petitioner would submit that the order requires to be set aside. In support of her contention, the learned counsel for the petitioner submitted that the issue with regard to the eligibility to take into account the earlier services of the Part Time Panchayat Clerk came up for consideration in a batch of writ petitions in W.P.No.19264 of 2014, etc. and by order dated 30.06.2014, it was held that, 50% of the past services of the Part Time Panchayat Clerk has to be taken for the purpose of computing the total period of services for the pensionary benefits. It is also her contention that the order of the learned Single Judge in the batch of writ petitions came to be affirmed by the Hon'ble Division Bench of this Court in W.A.No.191 of 2016 dated 23.02.2016. A similar view was taken by the other Hon'ble Division Bench of this Court in W.A.No.612 of 2016 dated 24.06.2016 and W.A.No.745 of 2019 dated 11.03.2019.

3. The orders of the learned Single Judge, as confirmed by the Division Benches, has also been implemented by the first respondent herein and one such order of implementation is in G.O.Ms.No.111 Rural Development and Panchayat Raj (PA5) Department, dated 14.03.2016. The aforesaid proposition laid down by the learned Single Judge as well as the Hon'ble Division Bench squarely applies to the facts of the present case. As such, the petitioner herein is entitled to succeed.

4. In the light of the above observation, the impugned order of the first respondent dated 12.07.2013, is quashed, insofar as it relates to omitting to count the services rendered by the petitioner as a Part Time Panchayat Clerk. Consequently, there shall be a direction to the first respondent to include 50% of the services rendered by the petitioner as a Part Time Panchayat Clerk for grant of pension. The first respondent shall endeavor to pass appropriate orders in the light of the above directions, atleast within a period of 12 weeks from the date of receipt of a copy of this order.



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5. Accordingly, the writ petition stands allowed. No costs.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

hvk

To

1.The Principal Secretary to Government,
Rural Development & Panchayat
Raj Department,
Fort St. George, Chennai - 600 009.

2.The Director of Rural Development &
Panchayat Raj,
Panagal Building,
Saidapet, Chennai - 600 015.

3.The Principal Accountant General
(A&E) Tamil Nadu,
No.361, Anna Salai,
Chennai - 600 018.

4.The District Collector,
Namakkal District,
Namakkal.

+1 CC to Mr.V.Suthakar, Advocate sr 33413.

W.P.No.10865 of 2019

RSV(CO)
SP(09/08/2021)