



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2021

CORAM:

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

W.P.No.14804 of 2021

T.Chinnakannu

.. Petitioner

Versus

1.The Government of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Rural Development and 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 District Collector, (PD Section)
Tiruvannamalai District,
Tiruvannamalai.

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

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the Respondents to count 50% services rendered by the petitioner in the post of part time Panchayat clerk from 01.03.1980 to 15.12.1992 for the purpose of granting pension along with regular service from 16.12.1992 till 31.05.2014 in accordance with the directions given by the Division Bench judgment 259/2016 etc., dated 10.03.2016.

For Petitioner : Ms.T.Hemalatha

For Respondents : Mr.C.Kathiravan

Government Advocate for R1 to R3

O R D E R

This Writ Petition has been filed for issuance of a Writ of Mandamus directing the respondents to count 50% service rendered by the petitioner in the post of part time Panchayat Clerk from 01.03.1980 to 15.12.1992 for the purpose of granting pension along with regular service form 16.12.1992 till 31.05.2014 in accordance with the directions given by the Hon'ble Division Bench in Judgment in W.A.No.259 of 2016 dated



2.The petitioner was appointed as part time Panchayat Clerk at Pernamallur Panchayat Union on 01.03.1980. The post "Part time Panchayat Clerk" was redesignated as "Panchayat Assistant" with effect from 01.01.1991. Thereafter, the petitioner was appointed as Junior Assistant in the same panchayat union w.e.f. 16.12.1992. The petitioner retired from his service on 31.05.2014 when he was holding the post of Deputy Block Development Officer (Noon Meal). Though the petitioner was given regular pension by counting the services rendered between 16.12.1992 to 31.05.2014, his service as part time Panchayat Clerk from 01.03.1980 to 15.12.1992 was not taken into account for the purpose of pension.

3.The case of the petitioner is that several other persons were benefited by G.O.Ms.No.39, Rural Development and Panchayat Raj Department, dated 13.06.2011, wherein 50% of the services as part time Panchayat Clerk was directed to be taken into account for the purpose of pension. Based on the Government Order, subsequent guidelines and judicial precedents with regard to calculating 50% of part time service as Panchayat Clerk for the purpose of pension, the petitioner has approached this Court for issuing a positive direction to the respondents to count 50% of services rendered by him in the post of part time Panchayat Clerk from 01.03.1980.

4.Though the petitioner relied upon the Government Order and the precedents before this Court, the petitioner has not approached the respondents for calculating 50% of his services as part time Panchayat Clerk for the purpose of pension. It is admitted by the petitioner himself, that he retired in the year 2014. In the said circumstance, this Court is of the view that the petitioner should be directed to approach the respondents with a representation and the respondents may dispose of such representation in the manner known to law and in the light of several precedents.

5.Accordingly, this writ petition is disposed of with the following directions:

The petitioner is directed to submit a representation to the respondents regarding counting of 50% of services rendered by the petitioner in the post of part time Panchayat Clerk from 01.03.1980 to 15.12.1992 for the purpose of pension along with regular services from 16.12.1992. On such representation being given by the petitioner, the first respondent is directed to consider the representation of the petitioner and pass appropriate orders on merits and in accordance with law, in the light of several precedents on this issue particularly



regarding entitlement of petitioner for taking into account 50% services rendered by the petitioner in the post of part time Panchayat Clerk, within a period of twelve weeks from the date of receipt of a copy of this order. No Costs.

WEB COPY

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ssr
To

- 1.The Principal Secretary to Government,
Rural Development and 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 District Collector, (PD Section)
Tiruvannamalai District,
Tiruvannamalai.
- 4.The Principal Accountant General (A & E) Tamil Nadu,
No.361, Anna Salai,
Chennai - 600 018.

+1 cc to Government Pleader Sr.No. 34945

+1cc to Mr.V.Suthakar, Advocate SR.No. 34545

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UM(CO)

A.SK(19.08.2021)