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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.20033 of 2014

- 1 C.Mohan
S/o.Chengee
No.33 Neeli Appadurai Street,
Ponneri, Thiruvallur District 601 204. ... Petitioner

Vs.

- 1 The Government of Tamilnadu
Rep. by its Secretary Rural Development
Department, Fort St. George, Chennai-9.
- 2 The Director of Rural Development
Department, Panagal Buildings,
Saidapet, Chennai-15
- 3 The District Collector,
Thiruvallur District, Thiruvallur.
- 4 The Block Development Officer,
Minjur Panchayat Union, Minjur,
Thiruvallur District 601 203.
- 5 The Principal Accountant General
(Accounts and Entitlements)
Tamilnadu, 361, Anna salai, Chennai-18. . . Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the 5th respondent in his proceeding dated 29.10.2013 in No.Pension.3/IV/10309513/ADK and quash the same and consequently direct the respondents herein to pay DCRG, Commutation of pension, monthly pension, etc. with effect from 1.8.2013 with all arrears and other monetary benefits with interest at the rate of 24% per annum with effect from 1.8.2013.

For Petitioner : Mr.K.Raja

For Respondents : Mr.T.Arunkumar, A.G.P.



O R D E R

According to the petitioner, the petitioner has entered into service as Part Time Clerk in Minjur Panchayat Union in the year 1986. Thereafter, he was promoted as Full time Clerk in the sanctioned post in the year 2001 and subsequently, he was promoted as R.W.O. Grade II in the year 2006, again the petitioner was promoted as R.W.O. Grade I in the year 2009 and attained superannuation on 31.7.2013 as R.W.O. Grade I/Assistant in Minjur Panchayat Union.

2. According to the counsel appearing for the petitioner, service rendered by the petitioner in the Panchayat Union as Full time Clerk should be taken into account to reckon the Pensionary benefits and the petitioner is entitled Pension under old Pension Scheme. Learned counsel appearing for the petitioner relied on the decision of the Full Bench judgment of this Court in Government of Tamil Nadu, Rep. By Secretary to Government, Public Works department, Secretariat, Chennai 9 vs. R.Kaliyamoorthy [W.A.Nos.158, 314-317, 343 of 2016, etc. batch, dated 3.12.2019 wherein in para 45 (ii) of the judgment, it was held that those Government servants/employees appointed prior to 1.4.2003 whether on Temporary or Permanent basis in terms of Rule 19(a) (i) of Tamil Nadu State and Subordinate Service rules will be entitled to get pension as per the Tamil Nadu Pension Rules, 1978. In view of the aforesaid Full Bench judgment, counsel appearing for the petitioner seeks petitioner's request also to be considered by the respondent and pass appropriate orders.

3. The learned Additional Govt. Pleader appearing for the respondents would submit that the request of the petitioner also will be considered by the department by taking note of the Full Bench judgment of this court and appropriate orders will be passed, provided the petitioner satisfies the conditions laid down by this Court in the aforesaid judgment.

4. In view of the submissions made by the counsel for the parties, without expressing any opinion on merit, this Court is inclined to direct the petitioner to make representation to the 1st respondent within a period of two weeks from today. On such representation being made by the petitioner, the first respondent shall consider the same and pass appropriate orders, by taking note of the decision rendered by the Full Bench cited supra, as expeditiously as possible preferably within a period of 6 months from the date of receipt of copy of this order.



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5. In the result, the writ petition stands disposed of with the above directions. No costs.

Sd/-
Assistant Registrar (CS-VIII)

//True copy//

Sub Assistant Registrar

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To

- 1 The Secretary Rural Development,
Government of Tamilnadu,
Rural Development Dept.,
Fort St. George, Chennai-9.
- 2 The Director of Rural Development Dept.,
Panagal Buildings,
Saidapet, Chennai-15
- 3 The District Collector,
Thiruvallur District,
Thiruvallur.
- 4 The Block Development Officer,
Minjur Panchayat Union,
Minjur, Thiruvallur District 601 203.
- 5 The Principal Accountant General
(Accounts and Entitlements)
Tamilnadu, 361, Anna salai,
Chennai-18.

+1cc to Mr.K.Raja, Advocate SR.No.61229

+1cc to Government Pleader SR.No.61531

W.P.No.20033 of 2014

AK II(CO)
GMY(08/12/2021)