



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.08.2021

CORAM

WEB COPY

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA
and
THE HONOURABLE Mr. JUSTICE KRISHNAN RAMASAMY

W.A.No.2838 of 2018 and C.M.P. No.23603 of 2018

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 Department
Panagal Building
No.1, Jeenis Road
Saidapet,
Chennai - 600 015

3.The District Collector
Collectorate
Tiruvannamalai District

... Appellants

Vs.

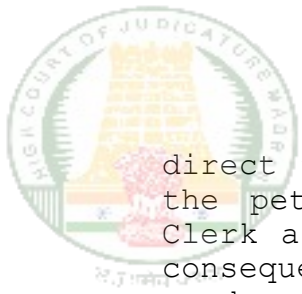
1.K.Selvaganesan

2.The Accountant General
Accoounts and Entitlement
Nandanam, Chennai - 18

... Respondents

PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 28.04.2018 passed in W.P. No.11236 of 2018.

PRAYER IN WP.NO.11236 of 2018: Petition filed Under Article 226 of the Constitution of India for the issuance of Writs of Certiorarified mandamus, calling for the records pertaining to paragraph 4(b) of G.O.Ms.No.77 Rural Development and Panchayat Raj department dated 12.7.2013 of the first respondent and quash the same in so far it relates to the petitioner and further



direct the respondents to count 50% of the services rendered by the petitioners husband in the post of part time Panchayat Clerk along with regular service for the purpose of pension and consequently, directing the respondents to count 50% service rendered by the petitioner in the post of Part Time Panchayat Clerk from 1.9.1979 till 5.11.1999 and 1.11.1979 till 15.12.1992 respectively, along with regular service for the purpose of granting pension and other pensionary benefits.

For Appellants : Mr.R.Neelagandan
State Government Counsel

For Respondents : Mr.V.Ravikumar for R1

JUDGMENT

(Delivered by PUSHPA SATHYANARAYANA, J.)

This intra-court appeal is filed against the order of the writ court dated 28.04.2018 made in W.P. No.11236, by which the writ court, following the judgments of two different Division Benches dated 11.04.2016 made in W.A. No.431 of 2016 and 24.06.2016 made in W.A. No.612 of 2016, directed the appellants herein, to count 50% of the service rendered by the writ petitioner in the post of part time Panchayat Clerk from 01.11.1979 till 15.12.1992, along with regular service rendered by the writ petitioner for the purpose of granting pension and other pensionary benefits.

2. The issue regarding weightage to be given for the past service came up for consideration before a learned single Judge in W.P. No.19624 of 2014. The learned single Judge allowed the writ petition. The said order was confirmed by the Division Bench in W.A. No.191 of 2016 by judgment dated 23.02.2016. Thereafter, two different Division Benches by judgment dated 11.04.2016 made in W.A. No.431 of 2016 and 24.06.2016 made in W.A. No.612 of 2016, allowed a similar prayer.

3. When the matter came up for hearing today, the learned State Government Counsel representing the appellants, produced a copy of the judgment of a Division Bench of this court dated 26.03.2019 made in W.A. No.983 of 2019, against the common order passed in W.P. No.11235 of 2018, wherein the Division Bench, has held that the earlier service either as part time or temporary, are also to be taken to compute the total period for pensionary benefits.



4. In the case on hand, the learned single Judge also followed the earlier decisions rendered by the Co-ordinate Benches as well as the Division Bench and hence the order of the writ court does not warrant any interference by this court. Accordingly, the order of the writ court is liable to be sustained.

5. In the result, the writ appeal is dismissed. However, there is no order as to costs. Consequently, the connected civil miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Asr

To

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

2.The Director of Rural Development
& Panchayat Raj Department
Panagal Building
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3.The District Collector
Collectorate
Tiruvannamalai District

4. The Accountant General,
Accounts and Entitlement,
Nandanam, Chennai - 18.

+1cc to Mr.V.Ravi Kumar, Advocate, Sr.39683

W.A.No.2838 of 2018 and
C.M.P. No.23603 of 2018

LN[co]
NSK 03/09/2021