



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2021

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.No.31074 of 2018

1. I.Mohanraj
2. Rajamanickam
3. Chennaiappan
4. Chettinathan
5. A.Subramaniam
6. M.Palani
7. M.Raju
8. C.Periya Murugan
9. M.Yessian
10. K.Ramasamy
11. Gnanamani
12. Nallasamy
13. Rajammal
14. Lilli Manokara Puspham
15. Thangaraj
16. R.Gnanasigamani

...Petitioners

Vs

1. The State of Tamil Nadu
Represented by its Secretary,
Department of Revenue,
Fort St.George, Chennai 600 009.
2. The District Collector,
Tirupur District,
District Collectors Office,
Tirupur.

...Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus or any other writ or order in the nature of Mandamus, directing the respondents 1 and 2 herein to grant full pension to the petitioners taking into account the earlier service of the petitioners prior to their date of regularisation in the post of the village Assistant and to pay pension arrears and all other benefits.

For Petitioners : Mr.Venkataswamy Babu

For Respondents : Mr.C.Selvaraj
Additional Government Pleader



O R D E R

In so far as the calculation of the service period for the post of 'Village Assistant' is concerned, this Court in various Writ Petitions have taken a consistent view that 50% of the services rendered by the 'Village Assistant' from the date of his appointment till the date of his regularisation, shall be taken into account for determining the total services for the purpose of grant of pension.

2. In various orders passed by this Court, the order in the case of K.Velmayil Vs. The Secretary to Government, Revenue department and others passed in W.A.(MD).370 of 2019 and an order of learned Single Judge passed in the case of K.Gopalan and another Vs. The Additional Chief Secretary to Government and others in W.P.(MD).No.12677 & 12679 of 2020 dated 25.09.2020 form a part. In these orders, it has been categorically held that 50% of services rendered by the 'Village Assistants', from the date of appointment till the date of regularisation, requires to be calculated along with the total pensionable services and the pensionary benefits should be derived.

3. In the present case, all the sixteen petitioners are 'Village Assistants', who were appointed on various dates and who have all retired subsequently. Their grievance is that the respondents have not taken into account their service period prior to their date of regularisation. Since this issue has already been decided by this Court in several cases, the petitioners would be entitled for 50% of their service period between the date of their appointment, till the date of regularisation, for the purpose of calculating their total pensionable service and the consequential revision of their pensions.

4. In the light of the above observations, there shall be a direction to the 2nd respondent herein to take into account 50% of the service period rendered by each of the petitioners herein, from the date of their original appointment, till the date of their regularisation and thereby revise the pension applicable to each of them respectively. The 2nd respondent shall endeavour to pass such orders and disburse the arrears of the revised pension atleast within a period of 8 weeks from the date of receipt of a copy of this order. This Writ Petition stands allowed, accordingly. No costs.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

gd



To

1. The Secretary,
The State of Tamil Nadu
Department of Revenue,
Fort St. George,
Chennai 600 009.

2. The District Collector,
Tirupur District,
District Collectors Office,
Tirupur.

+1cc to Government Pleader SR.No.68726

W.P.No.31074 of 2018

KSM(CO)
GMY(11/01/2022)