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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :29.07.2021

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THE HON'BLE MR.JUSTICE M.S.RAMESH

W.P.No.31006 of 2018

P.Shanmugam (PPO.No.R0316895)

.. 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, (PD Section)
Tiruvallur District,
Tiruvallur.

.. Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issuance of 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 (Pa.A4) department dated 12.07.2013 of the first respondent and quash the same in so far 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 part time Panchayat Assistant from 01.09.1982 till 28.09.1995 along with regular service for the purpose of granting pension.

For Petitioner : Ms.T.Hemalatha



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For R1 to R3 : Mr.K.Tippu Sulthan
Government Advocate

For R4 : M/s.T.S.Selvarani
Standing Counsel

O R D E R

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

2. The petitioner herein had originally served as part time Panchayat clerk from 29.09.1995 to 31.05.2016. The claim of the petitioner is that 50% of his services for the aforesaid period, requires to be taken into consideration for the purpose of grant of pension along with his regular service.

3. The aforesaid issue has come up for consideration in batch of writ petitions before this Court in W.P.No.19264 of 2014 etc., and orders passed therein, including the decision of the Hon'ble Full Bench and this Court had held therein that the 50% services of said part time Panchayat clerk, can be included for the purpose of calculating the grant of pension. One such order passed by this Court in the case of A.Khadar vs. The Government of Tamil Nadu, Rural Development & Panchayat Raj Department and others, passed in W.P.No.10865 of 2019 dated 15.07.2021, reads as follows:

"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.

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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. Since, the petitioner is similarly placed, as that of the petitioner in the aforesaid case, he would also be entitled for the same relief. Accordingly, there shall be a direction to the respondents herein to count 50% of the services rendered by the petitioner in the post of part time Panchayat clerk along with 50% services already taken for the purpose of granting pension, together with his regular service and consequently, revise the petitioner's pension. Such an exercise shall be completed atleast within a period of eight weeks from the date of receipt of a copy of this order.

5. Accordingly, the writ petition stands allowed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS-III)

// True Copy//

Sub Assistant Registrar

Pns

To

1. Principal Secretary to Government,
The Government of Tamil Nadu,
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, (PD Section)
Tiruvallur District,
Tiruvallur.

+1cc to M/s.Hema Muralikrishnan, Advocate, S.R.No.36746

+1cc to Mr.K.S.Viswanathan, Advocate, S.R.No.37049

W.P.No.31006 of 2018

RLD(CO)
SU(26/08/2021)