



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.04.2021

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A.[MD]No.821 of 2021

and

C.M.P.[MD]No.3643 of 2021

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

2.The Director of Rural Development and Panchayat Raj,
Panagal Building,
Chennai - 600 015.

3.The District Collector,
Ramanathapuram,
Ramanathapuram District.

: Appellants

Vs.

K.Selvaraj

: Respondent

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, praying to set aside the judgment dated 24.04.2019 in W.P.[MD] No.18368 of 2017, on the file of this Court.

Prayer in WP(MD). 18368/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus call for the records in connection with impugned order passed by the 1st respondent in G.O.Ms.No.77 dated 12.07.2013 and Quash the same and consequently direct the 1st respondent to count the services rendered by the petitioner in the post of part time Panchayat Clerks for the purpose of pension and other retiral benefits together with all consequential benefits.

For Appellants : Mr.K.P.Krishnadass
Special Government Pleader



For Respondent : Mr.A.R.Kannappan

JUDGMENT

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

Heard Mr.K.P.Krishnadass, Special Government Pleader, appearing for the appellants and Mr.A.R.Kannappan, learned Counsel appearing for the respondent.

2.This appeal by the Government is directed against the order dated 24.04.2019 in W.P.[MD]No.18368 of 2017.

3.The only ground which is canvassed before us by the learned Special Government Pleader is that the learned Single Bench has granted relief to the writ petitioner by taking note of G.O.Ms.No.39 dated 13.06.2011, which provides for counting 50% of the service as part-time Panchayat Clerk for pension. However, the said Government Order was withdrawn under G.O.Ms.No.77 dated 12.07.2013.

4.As rightly pointed out by the learned Counsel for the respondent / writ petitioner, this issue was considered by the Hon'ble Division Bench in the case of **Government of Tamil Nadu Vs. P.V.Velliyangiri in W.A.No.431 of 2016 dated 11.04.2016** and subsequently in the case of **Government of Tamil Nadu Vs. Tamil Nadu Rural Development Official's Association in W.A.No.1111 of 2016 dated 22.03.2018**.

5.The learned Single Bench, after taking note of the above decisions of the Division Bench has granted relief to the respondent / writ petitioner. Hence, we find no ground to interfere with the order.

6.At this juncture, the learned Counsel for the respondent / writ petitioner submits that the benefits which accrue to the respondent / writ petitioner, pursuant to the direction issued in the writ petition may be directed to be settled by the appellant within a time frame.

7.We note that the respondent / writ petitioner retired on 30.06.2008. Hence, the direction issued by the learned Writ Court be implemented by the appellants within four [4] months from the date of receipt of a copy of this order.



8. With the above observation, the Writ Appeal stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

WEB COPY

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

MR

To

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

2. The Director of Rural Development and Panchayat Raj,
Panagal Building,
Chennai - 600 015.

3. The District Collector,
Ramanathapuram,
Ramanathapuram District.

JUDGMENT MADE IN
W.A. [MD] No. 821 of 2021

KM (17.05.2021) 3P 4C