



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.11.2021

CORAM :

THE HON`BLE MR.JUSTICE B.PUGALENDHI

W.P(MD) No.5661 of 2020

WEB COPY

P.Sekar

... Petitioner

Vs.

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

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

3.The Principal Accountant General,
(Accounts and Entitlement),
No.361, Annasalai,
Tenampettai,
Chennai - 600 018.

4.The District Collector,
Trichy.

5.The Block Development Officer (Block),
Thathayangarpettai Panchayat Union,
Musiri Taluk,Trichy.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, thereby call for the records of the third respondent in No.PO3/04/10316767/ADK dated 18.05.2016 and quash the same as arbitrary and illegal and in consequences thereof direct the respondents to take into account 50% of the service rendered by the petitioner as Panchayat Assistant from 02.05.1984 to 01.07.2012 and grant pension with arrears with 12% from interest till the disbursement of the same.

For Petitioner

: Mr.P.Ganapathi Subramaniyan

For R1,R2, R4 & R5

: Mr.Shaji Bino

Special Government Pleader

For R3

: Mr.P.Gunasekaran

**O R D E R**

This writ petition is filed as against the order passed by the third respondent in No.PO3/04/ 10316767/ADK dated 18.05.2016 and consequential direction, directing the respondents to take 50% of the service rendered by the petitioner from 02.05.1984 to 01.07.2012 and to grant pension arrears with 12% interest.

2.The case of the petitioner is that he was appointed as Panchayat Clerk at Sevathalingapuram Village Panchayat, Musiri Union, Trichy on 02.05.1984 by Special officer on monthly salary of Rs.52.50/-. Subsequently, he was posted as Panchayat Assistant on 01.01.1991 on consolidated pay of Rs.400. On 05.12.2006, time scale of pay was fixed as Rs.625/-. Thereafter, he hold the posts of Panchayat Secretary, Junior Assistant and Panchayat Assistant. On 31.12.2015, he retired from service on superannuation. According to the petitioner, as per G.O.No.39 and 408, 50% of service rendered as Panchayat Clerk and Assistant is to be taken into account for calculating the pension benefits and the same was upheld by this Court in W.P.No.14770 of 2012. According to the petitioner, G.O.No.228 and 8 have been passed for grant of relief considering 50% of service for calculating the pensionary benefits. Subsequently, the fifth respondent in concurrence with the respondents 2 & 4 sent pension proposal to the third respondent and the same was returned on the ground that the petitioner's service was regularized only on 01.09.2006 and he is entitled only for contributory pension scheme. According to the petitioner, his service was regularized on 01.04.2003, he is entitled to get benefits of old pension scheme. Hence, challenging the order passed by the third respondent, he is before this Court with the present writ petition.

3.Mr.Shaji Bino, learned Special Government Pleader appearing for the respondents 1,2,4 & 5 submits that the petitioner was appointed as Panchayat Clerk on 02.05.1984 and his service was regularized only on 05.12.2006 and therefore, this petitioner is not entitled for calculating 50% of his service rendered by him from 1984 to 2006.

4.Further, the Special Government Pleader claims that the issue in this writ petition is now settled by the judgment of this Court in W.A.No.158 of 2016 etc., batch, dated 03.12.2019, wherein, the Honourable Division Bench has answered this issue as follows:-

45.In the light of the above, we answer the reference

as follows :-



Court passed in W.A.No.158 of 2016 etc., Batch, dated 03.12.2019.

7. In such view of the matter, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vrn

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Principal Secretary,
Rural Development and Panchayat Raj,
Secretariat, Chennai - 600 009.
 2. The Director,
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and Panchayat Raj Department,
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Saidapet, Chennai - 600 015.
 3. The Principal Accountant General,
(Accounts and Entitlement),
No.361, Annasalai,
Tenampettai, Chennai - 600 018.
 4. The District Collector, Trichy.
 5. The Block Development Officer (Block),
Thathayangarpettai Panchayat Union,
Musiri Taluk, Trichy.
- +1 CC to M/s.SPL GP (SR-36034[F] dated 26/11/2021)

W. P (MD) No. 5661 of 2020
25.11.2021

SVN(CO)

SP(06-12-2021) 4P 7C
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