



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.[MD]No.6829, 6835 & 6836 of 2021

and

W.M.P[MD]Nos.5245, 5248 & 5250 of 2021

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Victor Nayagam : Petitioner in W.P.[MD]No.6829/2021  
P.Nagoor Meeran : Petitioner in W.P.[MD]No.6835/2021  
T.Thangaraja : Petitioner in W.P.[MD]No.6836/2021

Vs.

- 1.The State of Tamil Nadu,  
Rep. by its Secretary,  
Revenue Department,  
St. George Fort,  
Chennai - 600 009.
- 2.The District Collector,  
Nagercoil, Kanyakumari District.
- 3.The Revenue Divisional Officer,  
Padmanabhapuram, Thuckalay,  
Kanyakumari District. : Respondents in all Writ Petitions
- 4.The Tahsildar,  
Kalkulam Taluk, Thuckalay,  
Kanyakumari District.: 4<sup>th</sup> Respondent in WP(MD).6829 & 6835/21
- 4.The Tahsildar,  
Agasteeswaram Taluk, Nagercoil,  
Kanyakumari District. : 4<sup>th</sup> Respondent in WP(MD).6836/21

**COMMON PRAYER:** Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writs of Mandamus, directing the respondents herein to refix the petitioner's pension by calculating the entire period of qualifying service from 01.07.1975 to 30.04.2010, 30.04.1977 to 31.05.2009 and 01.03.1978 to 31.05.2014, respectively, excluding the Abolition period and accordingly direct the respondents to pay the arrears of amount and other benefits to the petitioners within a time stipulated by this Court by considering their representations dated 05.02.2018 and 11.11.2020 in W.P.[MD]Nos.6829 & 6835/2021 and representation dated 13.11.2020, in W.P.[MD]No.6836/2021].

For Petitioner : Mr.C.Kishore



For Respondents : Mr.S.Dhayalan,  
Government Advocate  
[In all Writ Petitions]

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**COMMON ORDER**

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By consent, these Writ Petitions are taken up for disposal at the admission stage itself.

2.Heard the learned Counsel appearing on either side.

3.These writ petitions are filed for calculating the earlier services rendered by the petitioners as Village Karnam for the purpose of pension.

4.Learned Counsel for the petitioners would submit that the petitioners were appointed as Village Karnams in the year 1975, 1977 and 1978 respectively. The said Village Karnam post was abolished vide the 'The Tamil Nadu Abolition of Post of Part-Time Village Officers Ordinance, 1980', pursuant to which the entire post of part-time Village Karnam posts were abolished. Thereafter, the petitioners were appointed as Village Administrative Officers and they retired from service during 2010, 2009 and 2014, respectively. Learned Counsel further submitted that the petitioners are entitled for calculating the services rendered by them as Village Karnam for the purpose of pension.

5.This Court is of the view that in the absence of any provision conferring the authorities for calculating the earlier services rendered by the petitioners as Village Karnams, this Court cannot grant the relief sought for by the petitioners. Further, the petitioners retired from service long back and nearly after a decade, the petitioners have come up with the present writ petitions. A settled issue cannot be unsettled after a long time.

6.Accordingly, these Writ Petitions are dismissed on the ground of delay and laches. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MR



To

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

2.The District Collector,  
Nagercoil,  
Kanyakumari District.

3.The Revenue Divisional Officer,  
Padmanabhapuram,  
Thuckalay,  
Kanyakumari District.

4.The Tahsildar,  
Kalkulam Taluk,  
Thuckalay,  
Kanyakumari District.

5.The Tahsildar,  
Agasteeswaram Taluk, Nagercoil,  
Kanyakumari District.

+3 CC to M/s.C.KISHORE, Advocate ( SR-13610[F] dated 25/03/2021 )

+1 CC to M/s.SPL GP ( SR-13896[F] dated 26/03/2021 )

**COMMON ORDER MADE IN**  
**W.P. [MD]No.6829, 6835 & 6836 of 2021**  
**25.03.2021**

KM(CO)

TR(07.05.2021) 3P 10C