



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.12.2021

CORAM :

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THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A(MD)No.2165 of 2021
and
CMP(MD)Nos.10559 of 2021

- 1) The Secretary to Government,
State of Tamil Nadu,
Revenue Department,
Secretariat, Chennai.
 - 2) The District Collector,
Tenkasi.
 - 3) The Revenue Divisional Officer,
Tenkasi.
 - 4) The Tahsildar,
Sankarankovil Taluk Office,
Tenkasi District.
 - 5) The Tahsildar,
Thiruvankadam Taluk Office,
Tenkasi District.
- ... Appellants/ Petitioners

vs.

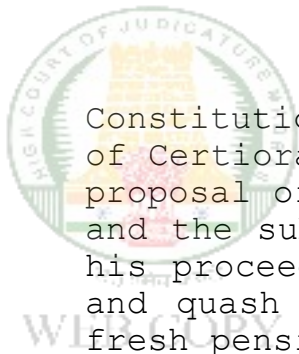
- 1) S.Karuppasamy ... 1st Respondent/Writ Petitioner
- 2) The Accountant General (A&E), Tamil Nadu,
391, Anna Salai,
Chennai-18. ... 2nd Respondent/1st Respondent

Appeal filed under Clause 15 of Letters Patent, against the order dated 04.12.2020 made in W.P(MD)No.17326 of 2020.

Prayer in WP(MD). 17326/ 2020 :

Writ Petition is filed under Article 226 of the

<https://hcservices.ecourts.gov.in/hcservices/>



Constitution of India, praying this Court (S-12) To issue a Writ of Certiorarified Mandamus calling for the records pertaining to the proposal of 6th respondent in Na.Ka.A1 / 183 / 2020 dated 17/06/2020 and the subsequent order of return passed by 2nd respondent through his proceedings No.P26 / 3 / 12630027 / ADK / 218 dated 16/09/2020 and quash the same and further direct the 6th respondent to send fresh pension proposal to the 2nd respondent taking 50 percentage of the service by the petitioner rendered by the petitioner as Village Assistant from 31/03/1984 to 31/03/1995 (5 years 7 month) along with the service rendered in time scale of pay as Village Asssistant 01/06/1995 to 22/09/2015 (20 years 3 months 22 days) with the service renndered as Village Administrative Officer from 23.09.2015 to 31.03.2020 (4 years 6 months and 8 days), totally 30 years 5 months as qualifying pensionable period and further sanction pension, within the time frame fixed by this Court.

For Appellants : Mr.S.R.A.Ramahcandran
Additional Government Pleader

For R1 : Mr.T.S.Mohamed Mohideen

JUDGMENT

(Order of the Court was made by
PUSHPA SATHYANARAYANA, J.)

Without going into the merits of the case, we are only adding the following.

2. The 6th respondent in the writ petition was directed to send a proposal afresh, with regard to the writ petitioner's pension to the 2nd respondent, in the light of the law settled by this Court in **K.Velmayil vs. Secretary to Government, Revenue Department, Chennai, and 2 others [W.A(MD)No.370 of 2019, dated 22.10.2019]**.

3. Now, the learned counsel for the 1st respondent / writ petitioner says that the writ petitioner was a Village Administrative Officer and not a Village Assistant and the proposals have to be considered, based on the judgment of the Division Bench of this Court reported in **2020 (1) CWC 252, State of Tamil Nadu vs. Chinna Karuppaiah**.

4. Therefore, the 2nd respondent herein, is directed to consider the case of the writ petitioner as and when the proposal is sent, in the light of the decision cited supra, within a period of eight weeks from the date of receipt of a copy of this order.



5. With the above modification, the Writ Appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

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/ /2021

Sub Assistant Registrar(CS)

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To

- 1) The Secretary to Government,
State of Tamil Nadu,
Revenue Department,
Secretariat, Chennai.
- 2) The District Collector,
Tenkasi.
- 3) The Revenue Divisional Officer,
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- 6) The Accountant General (A&E), Tamil Nadu,
391, Anna Salai,
Chennai-18.

+1 CC to M/s.T.S.MOHAMED MOHIDHEEN, Advocate (SR-38271[F] dated 10/12/2021)

+1 CC to M/s.SPL GP (SR-38324[F] dated 13/12/2021)

W.A(MD)No.2165 of 2021

DATED : 10.12.2021

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