BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 09.02.2021, 11.02.2021, 16.02.2021 & 19.02.2021	Delivered on : 26.02.2021

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A.(MD)Nos.1629 of 2018, 167, 213, 507 to 509 of 2019, 789, 876, 910, 1006, 1178, 1190, 1227 to 1231, 831, 849, 1257, 1282 to 1295 of 2020 and 198 and 199, 127 to 129, 339 to 344 & 387 of 2021
and
C.M.P.(MD)Nos.11859 of 2018, 1382, 1801, 4354 to 4356 of 2019, 4482, 4810, 4950, 5480, 6406, 6470, 6833, 6837 & 6839, 6843 & 6844, 6846 & 6847, 6851 & 6852, nil, 4717, 7166, 7361, 7358 & 7362, 7363 & 7364, 7365 & 7366, 7367 & 7368, 7370 & 7371, 7372 & 7373, 7375 & 7376, 7377 & 7378, 7379 & 7380, 7381 & 7382, 7383 & 7384, 7385 & 7386, 7387 & 7388 of 2020, 616, 617, 360 & 361, 364 & 365, 367, 1154, 311 & 312, 318 & 320, 1172 & 388, 1173 & 1174, 1175 & 11761 & 1390 of 2021

1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Revenue Department, Secretariat, Chennai - 600 009.

2.The Additional Chief Secretary and Commissioner
of Revenue Administration, Ezhilagam, Chepauk,
Chennai - 600 005.

3.The District Collector, Virudhunagar District,
Virudhunagar. ... Appellants in W.A.(MD)No.1629 of 2018

1. The Principal Secretary to Government, Revenue Department, Secretariat, Chennai-600 009
2. The Additional Chief Secretary, and Commissioner of Revenue Administration, Ezhilagam, Chepauk, Chennai-600 005
3. The District Collector Virudhunagar District, Virudhunagar
... Appellants in WA(MD). 167/ 2019

1. The Secretary to Government Revenue Department, Secretariat, Chennai-600 009
2. The District Collector Madurai District, Madurai
3. The Revenue Divisional Officer, Usilampatti Division, Usilampatti, Madurai Dt
... Appellants in WA(MD). 213/ 2019

1. The State of Tamil Nadu Rep.By its Principal Secretary to Government, Revenue Department, Secretariat, Chennai-9.
2. The Additional Chief Secretary, and Commissioner of Revenue Administration, Ezhilagam, Chepauk, Chennai-600 005.
3. The District Collector Madurai District, Madurai.
... Appellants in WA(MD). 507/ 2019

1. The State of Tamil Nadu Rep.By its Principal Secretary to Government, Revenue Department, Secretariat, Chennai-9.
2. The Additional Chief Secretary, and Commissioner of Revenue Administration, Ezhilagam, Chepauk, Chennai-600 005.
3. The District Collector Madurai District, Madurai.
... Appellants in WA(MD). 508/ 2019

1. The State of Tamil Nadu Rep.By its Principal Secretary to Government, Revenue Department, Secretariat, Chennai-9.
2. The Additional Chief Secretary and Commissioner of Revenue Administration, Ezhilagam, Chepauk, Chennai-600 005.
3. The District Collector Madurai District, Madurai.
... Appellants in WA(MD). 509/ 2019

1. The Principal Secretary to Government,, Revenue Department, Secretariat, Chennai - 600 009.
2. The Principal Secretary and Commissioner of Revenue,, Administration, Ezhilagam, Chepauk, Chennai - 600 005.
3. The District Collector, Thanjavur District, Thanjavur.
... Appellants in WA(MD). 789/ 2020

1. The State of Tamil Nadu Rep. by its Principal Secretary to Government, Revenue Department, Secretariat, Chennai-600009
2. The Additional Chief Secretary And, Commissioner of Revenue Administration, Ezhilagam, Chepauk, Chennai-600005
3. The District Collector Karur District, Karur.
... Appellants in WA(MD). 876/ 2020

1. The Principal Secretary to Government, Revenue Department, Fort.St.George, Chennai-600009
2. The Commissioner of Revenue Administration, Ezhilagam, Chepauk, Chennai-60005
3. The District Collector Madurai District, Madurai-20
... Appellants in WA(MD). 910/ 2020

1. The Principal Secretary to Government Revenue Department Secretariate, Chennai - 600 009.
2. The Commissioner of Revenue Administration Ezhilagam, Chepauk, Chennai - 600 005.
3. The District Collector, Dindigul District.
... Appellants in WA(MD). 1006/ 2020

1. The Principal Secretary to Government, Revenue Department, Fort St George, Chennai-600 009.
2. The Commissioner of Revenue Administration,, Ezhilagam, Chepauk, Chennai.
3. The District Collector, Thanjavur District, Thanjavur.
... Appellants in WA(MD). 1178/ 2020

1. The Principal Secretary to Government, Revenue Department, Secretariat, Chennai-600 009.
2. The District Collector Tirunelveli District, Tirunelveli.
3. The Tahsildar Nanguneri Taluk, Nanguneri, Tirunelveli District
... Appellants in WA(MD). 1190/ 2020

1. The Principal Secretary to Government, Revenue Department, Secretariat, Chennai-600 009.
2. The Commissioner of Revenue Administration, Ezhilagam, Chepauk, Chennai-600 005.
3. The District Collector Ramanathapuram District, Ramanathapuram.
... Appellants in WA(MD). 1227/ 2020

1. The Principal Secretary to Government, Revenue Department, Secretariat, Chennai-600 009.
2. The Commissioner of Revenue Administration, Ezhilagam, Chepauk, Chennai-600 005.
3. The District Collector Ramanathapuram District, Ramanathapuram.
... Appellants in WA(MD). 1228/ 2020

1. The Principal Secretary to Government, Revenue Department, Secretariat, Chennai-600 009.
2. The Commissioner of Revenue Administration, Ezhilagam, Chepauk, Chennai-600 005.
3. The District Collector Ramanathapuram District, Ramanathapuram.
... Appellants in WA(MD). 1229/ 2020

1. The Principal Secretary to Government, Revenue Department, Secretariat, Chennai-600 009.
2. The Commissioner of Revenue Administration, Ezhilagam, Chepauk, Chennai-600 005.
3. The District Collector Ramanathapuram District, Ramanathapuram.
... Appellants in WA(MD). 1230/ 2020

1. The Principal Secretary to Government, Revenue Department, Secretariat, Chennai-600 009.
2. The Commissioner of Revenue Administration, Ezhilagam, Chepauk, Chennai-600 005.
3. The District Collector Ramanathapuram District, Ramanathapuram.
... Appellants in WA(MD). 1231/ 2020

Kalyani W/o. Late. Sadayappavallal, 199/62a, Rottadi Street, Vadhrayiruppu, Virudhunagar District
... Appellant in WA(MD). 831/ 2020

1. The Secretary to Government Of Tamilnadu, Finance Department, St. George Fort, Chennai
2. The Secretary to the Government of Tamilnadu, Revenue Department, St. George Fort, Chennai
3. The District Collector Virdhunagar District , Virdhunagar
4. The Tahsildar, Sattur Circle, Virdhunagar District
... Appellants in WA(MD). 849/ 2020

1. The Principal Secretary to Government,, Revenue Department, Secretariat, Chennai-600 009.
2. The Commissioner of Revenue Administration,, Ezhilagam, Chepauk, Chennai-600 005.
3. The District Collector, Ramanathapuram District, Ramanathapuram.
... Appellants in WA(MD). 1257/ 2020

1. The State of Tamil Nadu Rep.By its Prinicipal Secretary to Government, Revenue Department, Secretariat, Chennai-9
2. The Additional Chief Secretary and Commissioner of Revenue Administration, Ezhilagam, Chepauk, Chennai-600005
3. The District Collector Dindigul District, Dindigul.
... Appellants in WA(MD). 1282/ 2020

1. The State of Tamil Nadu Rep.By its Prinicipal Secretary to Government, Revenue Department, Secretariat, Chennai-9
2. The Additional Chief Secretary and Commissioner of Revenue Administration, Ezhilagam, Chepauk, Chennai-600005
3. The District Collector Dindigul District, Dindigul.
... Appellants in WA(MD). 1283/ 2020

1. The State of Tamil Nadu Rep.By its Prinicipal Secretary to Government, Revenue Department, Secretariat, Chennai-9
2. The Additional Chief Secretary and Commissioner of Revenue Administration, Ezhilagam, Chepauk, Chennai-600005
3. The District Collector Dindigul District, Dindigul.
... Appellants in WA(MD). 1284/ 2020

1. The State of Tamil Nadu Rep.By its Prinicipal Secretary to Government, Revenue Department, Secretariat, Chennai-9
2. The Additional Chief Secretary and Commissioner of Revenue Administration, Ezhilagam, Chepauk, Chennai-600005
3. The District Collector Dindigul District, Dindigul.
... Appellants in WA(MD). 1285/ 2020

1. The State of Tamil Nadu Rep.By its Prinicipal Secretary to Government, Revenue Department, Secretariat, Chennai-9
2. The Additional Chief Secretary and Commissioner of Revenue Administration, Ezhilagam, Chepauk, Chennai-600005
3. The District Collector Dindigul District, Dindigul.
... Appellants in WA(MD). 1286/ 2020

1. The State of Tamil Nadu Rep.By its Prinicipal Secretary to Government, Revenue Department, Secretariat, Chennai-9
2. The Additional Chief Secreta Ry and Commissioner Of, Revenue Administration, Ezhilagam, Chepauk, Chennai-600005
3. The District Collector Dindigul District, Dindigul.
... Appellants in WA(MD). 1287/ 2020

1. The State of Tamil Nadu Rep.By its Prinicipal Secretary to Government, Revenue Department, Secretariat, Chennai-9
2. The Additional Chief Secretary and Commissioner of Revenue Administration, Ezhilagam, Chepauk, Chennai-600005
3. The District Collector Dindigul District, Dindigul.
... Appellants in WA(MD). 1288/ 2020

1. The State of Tamil Nadu Rep.By its Prinicipal Secretary to Government, Revenue Department, Secretariat, Chennai-9
2. The Additional Chief Secretary and Commissioner of Revenue Administration, Ezhilagam, Chepauk, Chennai-600005
3. The District Collector Dindigul District, Dindigul.
... Appellants in WA(MD). 1289/ 2020

1. The State of Tamil Nadu Rep.By its Prinicipal Secretary to Government, Revenue Department, Secretariat, Chennai-9
2. The Additional Chief Secretary and Commissioner of Revenue Administration, Ezhilagam, Chepauk, Chennai-600005
3. The District Collector Dindigul District, Dindigul.
... Appellants in WA(MD). 1290/ 2020

1. The State of Tamil Nadu Rep.By its Prinicipal Secretary to Government, Revenue Department, Secretariat, Chennai-9
2. The Additional Chief Secreta Ry and Commissioner Of, Revenue Administration, Ezhilagam, Chepauk, Chennai-600005
3. The District Collector Dindigul District, Dindigul.
... Appellants in WA(MD). 1291/ 2020

1. The State of Tamil Nadu Rep.By its Prinicipal Secretary to Government, Revenue Department, Secretariat, Chennai-9
2. The Additional Chief Secretary and Commissioner Of, Revenue Administration, Ezhilagam, Chepauk, Chennai-600005
3. The District Collector Dindigul District, Dindigul.
... Appellants in WA(MD). 1292/ 2020

1. The State of Tamil Nadu Rep.By its Prinicipal Secretary to Government, Revenue Department, Secretariat, Chennai-9
2. The Additional Chief Secretary and Commissioner Of, Revenue Administration, Ezhilagam, Chepauk, Chennai-600005
3. The District Collector Dindigul District, Dindigul.
... Appellants in WA(MD). 1293/ 2020

1. The State of Tamiil Nadu Rep.By its Prinicipal Secretary to Government, Revenue Department, Secretariat, Chennai-9
2. The Additional Chief Secreta Ry and Commissioner Of, Revenue Administration, Ezhilagam, Chepauk, Chennai-600005
3. The District Collector Dindigul District, Dindigul.
... Appellants in WA(MD). 1294/ 2020

1. The State of Tamil Nadu, Rep.By its Prinicipal Secretary to Government, Revenue Department, Secretariat, Chennai-9
2. The Additional Chief Secretary and Commissioner of Revenue Administration, Ezhilagam, Chepauk, Chennai-600005
3. The District Collector Dindigul District, Dindigul.
... Appellants in WA(MD). 1295/ 2020

1. The Principal Secretary to Government, Revenue Department, Secretariat, Chennai-600 009.
2. The Commissioner of Revenue Administration, Ezhilagam, Chepauk, Chennai-600 005.
3. The District Collector Virudhunagar District, Virudhunagar.
... Appellants in WA(MD). 198/ 2021

1. The Principal Secretary to Government,, Revenue Department Secretariat, Chennai-600 009.
2. The Commissioner of Revenue Administration,, Ezhilagam,Chepauk, Chennai-600 005.
3. The District Collector, Ramanathapuram District, Ramanathapuram.
... Appellants in WA(MD). 199/ 2021

1. The Principal Secretary Government, Revenue Department, Secretariat, Chennai-600 009.
2. The Commissioner of Revenue Administration, Ezhilagam, Chepauk, Chennai-600 005.
3. The District Collector, Ramanathapuram District Ramanathapuram.
... Appellants in WA(MD). 127/ 2021

1. The Principal Secretary to Government, Revenue Department, Secretariat, Chennai-60009
2. The Commissioner of Revenue Administration, Ezhilagam, Chepauk, Chennai -600005.
3. The District Collector Ramanathapuram District, Ramanathapuram.
... Appellants in WA(MD). 128/ 2021

1. The Principal Secretary Revenue Department, Secretariat, Chennai 600 009
2. The Commissioner of Revenue Administration,, Ezhilagam, Chepauk, Chennai-600 005.
3. The District Collector, Ramanathapuram District, Ramanathapuram.
... Appellants in WA(MD). 129/ 2021

1. The Principal Secretary to Government, Revenue Department, Secretariat, Chennai-600 009.
2. The Commissioner of Revenue Administration,, Ezhilagam, Chepauk, Chennai-600 005.
3. The District Collector, Virudhunagar District, Virundhunagar.
... Appellants in WA(MD). 339/ 2021

1. The Principal Secretary to Government, Revenue Department, Secretariat, Chennai-600 009.
2. The Commissioner of Revenue Administration,, Ezhilagam, Chepauk, Chennai-600 005.
3. The District Collector, Virudhunagar District, Virundhunagar.
... Appellants in WA(MD). 340/ 2021

1. The Principal Secretary to Government, Revenue Department, Secretariat, Chennai-600 009.
2. The Commissioner of Revenue Administration,, Ezhilagam, Chepauk, Chennai-600 005.
3. The District Collector, Virudhunagar District, Virundhunagar.
... Appellants in WA(MD). 341/ 2021

1. The Principal Secretary to Government, Revenue Department, Secretariat, Chennai-600 009.
2. The Commissioner of Revenue Administration,, Ezhilagam, Chepauk, Chennai-600 005.
3. The District Collector, Virudhunagar District, Virundhunagar.
... Appellants in WA(MD). 342/ 2021

1. The Principal Secretary to G Overnment, Revenue Department, Secretariat, Chennai-600 009.
2. The Commissioner of Revenue Administration,, Ezhilagam, Chepauk, Chennai-600 005.
3. The District Collector, Virudhunagar District, Virundhunagar.
... Appellants in WA(MD). 343/ 2021

1. The Principal Secretary to Government, Revenue Department, Secretariat, Chennai-600 009.
2. The Commissioner of Revenue Administration,, Ezhilagam, Chepauk, Chennai-600 005.
3. The District Collector, Virudhunagar District, Virundhunagar.
... Appellants in WA(MD). 344/ 2021

1. The Principal Secretary to Government, Revenue Department, Secretariat, Chennai - 600 009.
2. The Principal Secretary and Commissioner of Revenue Administration, Ezhilagam, Chepauk, Chennai-600 005.
3. The District Collector Madurai District, Madurai.
... Appellants in WA(MD). 387/ 2021

Vs.

E.Balachandran ... Respondent in WA(MD).1629/2018
M.Jeyaraman ... Respondent in WA(MD). 167/ 2019
G.Jothimani ... Respondent in WA(MD). 213/ 2019
S.Palaniappan ... Respondent in WA(MD). 507/ 2019
M.Thangaraj ... Respondent in WA(MD). 508/ 2019
C.Rajeswari ... Respondent in WA(MD). 509/ 2019
1. R.Ganesan
2. The Accountant General (A & E), Chennai.
... Respondents in WA(MD). 789/ 2020
1. C. Selvamani ... Respondent in WA(MD). 876/ 2020

1. C.Sekar
2. The Accountant General (A & E), 361, Anna Salai, Teynampet, Chennai -600018 ... Respondents in WA(MD). 910/ 2020
1. P.Palanichamy
2. The Principal Accountant General (A & E), Pension, 391, Anna Salai, Chennai.
... Respondents in WA(MD). 1006/ 2020
C. Durairaju ... Respondent in WA(MD). 1178/ 2020
1. K.Chandrasekar
2. The Accountant General (A & E), Chennai.
... Respondents in WA(MD). 1190/ 2020
1. M.Thangaraj
2. The Accountant General (A & E), Chennai.
... Respondents in WA(MD). 1227/ 2020
1. K.Balakrishnan
2. The Accountant General (A & E), Chennai.
... Respondents in WA(MD). 1228/ 2020
1. K.Neelamegam
2. The Accountant General (A & E), Chennai.
... Respondents in WA(MD). 1229/ 2020
1. U.Velu
2. The Accountant General (A & E), Chennai.
... Respondents in WA(MD). 1230/ 2020
1. N.Natarajan
2. The Accountant General (A & E), Chennai.
... Respondents in WA(MD). 1231/ 2020

1. The Secretary to Government Of Tamil Nadu, Finance Department, St.George Fort, Chennai.

2. The Secretary to the Government of Tamil Nadu,, Revenue Department, St.George Fort, Chennai.
3. The Principal Accountant General of Tamil Nadu, (Accounts and Entitlements), 361, Anna Salai, Chennai - 600 018.
4. The District Collector, Virudhunagar District, Virudhunagar.
5. The Thasildhar Sattur Circle, Virudhunagar District

... Respondents in WA(MD). 831/ 2020

1. Kalyani
2. The Principal Accountant General of Tamilnadu, (Accounts and Entitlements), 361, Anna Salai, Chennai 600018

... Respondents in WA(MD). 849/ 2020

1. N.Rakkamuthu
2. The Accountant General (A & E), Chennai.

... Respondents in WA(MD). 1257/ 2020

P.Natarajan	... Respondent in WA(MD). 1282/ 2020
N.Vellathai	... Respondent in WA(MD). 1283/ 2020
V.Sundaram	... Respondent in WA(MD). 1284/ 2020
M.Balasubramanian	... Respondent in WA(MD). 1285/ 2020
N.Kannusamy	... Respondent in WA(MD). 1286/ 2020
Am.Raja Alias M.Raja	... Respondent in WA(MD). 1287/ 2020
M.Marimuthu	... Respondent in WA(MD). 1288/ 2020
K.Ramasamy	... Respondent in WA(MD). 1289/ 2020
S.Velusamy	... Respondent in WA(MD). 1290/ 2020
M.Ameersulthan	... Respondent in WA(MD). 1291/ 2020
A.Lingasamy	... Respondent in WA(MD). 1292/ 2020
K.Natchimuthu	... Respondent in WA(MD). 1293/ 2020
S.P.C.Palanisamy	... Respondent in WA(MD). 1294/ 2020
S.Mani	... Respondent in WA(MD). 1295/ 2020
C.Samuthiram	... Respondent in WA(MD). 198/ 2021
K.Panchavarnam	... Respondent in WA(MD). 199/ 2021

1. K.Ramaiah
2. The Accountant General (A & E), Chennai

... Respondents in WA(MD). 127/ 2021

1. A.Ponnangu
2. The Accountant General (A & E), Chennai.

... Respondents in WA(MD). 128/ 2021

1. T.Thavasimani,
2. The Accountant General (A & E), Chennai.

... Respondents in WA(MD). 129/ 2021

1. K.Palsamy
2. The Acccountant General (A & E), Chennai.

... Respondents in WA(MD). 339/ 2021

1. A.Chellaiah
2. The Acccountant General (A & E), Chennai.

... Respondents in WA(MD). 340/ 2021

1. C.Jeyaraj
2. The Acccountant General (A & E), Chennai.
... Respondents in WA(MD). 341/ 2021

1. P.Kaliappan
2. The Acccountant General (A & E), Chennai.
... Respondents in WA(MD). 342/ 2021

1. K.Shanmugaiah
2. The Acccountant General (A & E), Chennai.
... Respondents in WA(MD). 343/ 2021

1. N.Lakshmanan
2. The Acccountant General (A & E), Chennai.
... Respondents in WA(MD). 344/ 2021

1. P.Alagu
2. The Accountant General (A & E), Chennai-600 018.
... Respondents in WA(MD). 387/ 2021

Common Prayer : Appeal filed under Clause 15 of the Letters Patent Act against the order passed by this Court in

(in WA Nos.)	WP Nos.	Order dated
1629 of 2018	14377 of 2014	27.03.2018
167/2019	2408 of 2018	09/03/2018
213/2019	15498 of 2018	17/07/2018
507/2019	20967 of 2014	23/03/2018
508/2019	3112 of 2015	23/03/2018
509/2019	9868 of 2015	23/03/2018
789/2020	21959 of 2018	10.02.2020
876/2020	2483 of 2015	12.12.2018
910/ 2020	16771 of 2019	10.2.2020
1006/ 2020	1265 of 2020	10.02.2020
1178/ 2020	20411 of 2019	10.07.2020
1190/ 2020	20773 of 2018	10.02.2020
1227/ 2020	24938 of 2018	10.02.2020
1228/ 2020	24939 of 2018	10.02.2020
1229/ 2020	24940 of 2018	10.02.2020
1230/ 2020	2277 of 2019	10.02.2020
1231/ 2020	2278 of 2019	10.02.2020
831/ 2020	13764 of 2014	31.07.2019
849/ 2020	13764 of 2014	31.07.2019
1257/ 2020	4537 of 2019	10-02-2020
1282/ 2020	779 of 2015	23.03.2018
1283/ 2020	780 of 2015	23.03.2018
1284/ 2020	781 of 2015	23.03.2018
1285/ 2020	782 of 2015	23.03.2018
1286/ 2020	783 of 2015	23.03.2018
1287/ 2020	784 of 2015	23.03.2018
1288/ 2020	785 of 2015	23.03.2018
1289/ 2020	786 of 2015	23.03.2018
1290/ 2020	787 of 2015	23.03.2018

1291/ 2020	788 of 2015	23.03.2018
1292/ 2020	789 of 2015	23.03.2018
1293/ 2020	790 of 2015	23.03.2018
1294/ 2020	791 of 2015	23.03.2018
1295/ 2020	10601 of 2015	23.03.2018
198/ 2021	19434 of 2019	09.09.2019
199/ 2021	22673 of 2019	25-10-2019
127/ 2021	1822 of 2019	10.2.2020
128/ 2021	1821 of 2019	10.02.2020
129/ 2021	1823 of 2019	10.2.2020
339/ 2021	12945 of 2019	10-02-2020
340/ 2021	12946 of 2019	10-02-2020
341/ 2021	13537of 2019	10-02-2020
342/ 2021	5694of 2019	10-02-2020
343/ 2021	5695 of 2019	10-02-2020
344/ 2021	8638 of 2019	10-02-2020
387/ 2021	22332 of 2017	10.02.2020

Respectively.

Prayer in WP(MD). 14377/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Mandamus , directing the first and third respondents i.e the Principal Secretary to government , Revenue Department, Chennai, and the District Collector, Virudhunagar to send revised pension proposals to the Accountant General, Chennai Calculating half of the services put in by the petitioner as karnam within a Specified time frame that may be fixed by this Hon'ble Court.

Prayer in WP(MD). 2408/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the first respondent and third respondents i.e., the Principal Secretary to government, Revenue Department, Chennai and the District Collector, Virudhunagar to send revised pension proposals to the Accountant General, Chennai calculating half of the services put in by the petitioner as Head man within a specified time.

Prayer in WP(MD). 15498/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of mandamus direction in the nature of a writ directing the second and third respondents i.e., the District Collector, Madurai and the Revenue Divisional Officer, Usilampatti to send family pension proposals to the Government for sanction by the Accountant General, Chennai, in respect of the petitioner as per the petitioner s representation dated 09.06.2014, within a specified time frame that may be fixed by this Hon'ble High Court.

Prayer in WP(MD). 20967/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the first and third respondents i.e. The Principal Secretary to Government, Revenue Department, Chennai and The District Collector, Madurai to send revised pension proposals to the Accountant General, Chennai calculating half of the services put in by the petitioner as Karnam within a specified time frame that may be fixed by this Honourable High Court.

Prayer in WP(MD). 3112/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the first and third respondents i.e the Principal Secretary to Government , Revenue Department , Chennai and the District Collector, Sivagangai to send revised pension proposals to the Accountant General, Chennai calculating half of the services put in by the petitioner as Karnam within a specified time frame that may be fixed by this Honourable Court.

Prayer in WP(MD). 9868/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Mandamus directing the 1st and 3rd respondents i.e. the Principal Secretary to Government, Revenue Department , Revenue Department, Chennai and the District Collector, Madurai to send revised pension proposals to the Accountant General , Chennai calculating half of the services put in by the petitioner as Headman in Jothinayakkanur Village, Usilampatti Taluk, Madurai District for the period from 02.08.1976 to 14.11.1980 within a specified time frame that may be fixed by this Hon'ble High Court.

Prayer in WP(MD). 21959/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the first respondent i.e., the Principal Secretary to Government, Revenue Dept., Secretariat, Chennai to pass orders counting 50% of services of the petitioner put in by him as Thalayari for the period from 19.06.1967 to 31.05.1995 for the purpose of calculation of pension along with regular services put in by him as Village Assistant and arrange to send revised pension proposals within a specified time.

Prayer in WP(MD). 2483/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus or any other order or directions in the nature of a writ directing the first and third respondents i.e. the Principal Secretary to Government, Revenue Department, Chennai and the District Collector, Karur to send revised pension proposals to the

Accountant General, Chennai calculating half of the services put in by the petitioner as Karnam within a specified time frame that may be fixed by this Honourable Court.

Prayer in WP(MD). 16771/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 1st respondent i.e. the Principal Secretary go Govt. Revenue Department, Secretariat, Chennai to pass orders counting 50 percentage of services of the peitioner put in by the petitioner as Thalayari for the period from 01.07.1981 to 31.05.1995 for the purpose of calculation of pension along with regular services put in by him as Village Assistant and Office Assistant and arrange to send revised pension proposals within a specified time frame,that may be fixed by this Hon`ble Court and pass

Prayer in WP(MD). 1265/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 1st respondent i.e. the Principal Secretary to Govt Revenue dept, secretariat Chennai to pass orders counting 50 percentage of services of the petitioner put in by the petitioner as Thalayari for the period from 17.4.1984 to 31.5.1995 for the purpose of calculation of pension along with regular services put in by him as Village Assistant and arrange to send revised pension proposals.

Prayer in WP(MD). 20411/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the first respondent ie., the Principal Secretary to Government , Revenue Department , Secretariat, Chennai to pass orders counting 50 percent of services of the petitioner put in by the petitioner as Thalayari for the period from 22/05/1985 to 31/05/1995 for the purpose of calculation of pension along with regular services put in by him as illegal assistant and arrange to sent revised pension proposals within a specified time frame.

Prayer in WP(MD). 20773/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondents ie., the Principal Secretary to Government , Revenue Department , Chennai, the District Collector, tirunelveli and the Tahsildar, Nanguneri taluk to send revised pension proposals counting 50% of the services put in by the petitioner in the cadre of Thalayari for the period from 03/12/1985 to 31/05/1995 for the purpose of calculation of pension within a specified time frame.

Prayer in WP(MD). 24938/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified mandamus, calling for the records of the third respondent i.e., the District Collector, Ramanathapuram passed in his R.C.A4/26028/2018 dated 20.11.2018 and quash the same and consequently direct the first respondent i.e., the Principal Secretary to Government, Revenue Department, Chennai to instruct the District Collector, Ramanathapuram to send revised pension proposals to the Accountant General, Chennai in respect of the petitioner namely M.Thangaraj, 50% if services put in by them as Thalayari within a specified time.

Prayer in WP(MD). 24939/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for records of the third respondent ie., the District Collector, Ramanathapuram passed in his R.C.A4 / 26028 / 2018 dated 20/11/2018 and quash the same and consequently direct the first respondent ie., the Principal Secretary to Government , Revenue Department , Chennai to instruct the District Collector, Ramanathapuram to send revised pension proposals to the Accountant General , Chennai in respect of the petitioner namely K.Balakrishnan, counting 50% if services put in by them as Thalayari within a specified time.

Prayer in WP(MD). 24940/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records of the third respondent i.e., the District Collector, Ramanathapuram passed in his R.C.A4/26028/2018 dated 20.11.2018 and quash the same and consequently direct the first respondent i.e., the Principal Secretary to Government, Revenue Department, Chennai to instruct the District Collector, Ramanathapuram to send revised pension proposals to the Accountant General, Chennai in respect of the petitioner namely R.Neelamegam, counting 50% if services put in by them as Thalayari within a specified time.

Prayer in WP(MD). 2277/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus, calling the records of the third respondent i.e., the District Collector, Ramanathapuram passed in his R.C.A4/26028/2018 dated 19.12.2018 and quash the same and consequently direct the first respondent i.e., the Principal Secretary to Government, Revenue Department, Chennai to instruct the District Collector, Ramanathapuram to send revised pension proposals to the Accountant General, Chennai in respect of the petitioner namely U.Velu counting 50% of services put in by them as Thalayari for the period from 15.09.1992 to 31.05.1995 within a specified time frame that may be fixed by this Court.

Prayer in WP(MD). 2278/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus, calling the records of the third respondent i.e., the District Collector, Ramanathapuram passed in his R.C.A4/26028/2018 dated 19.12.2018 and quash the same and consequently direct the first respondent i.e., the Principal Secretary to Government, Revenue Department, Chennai to instruct the District Collector, Ramanathapuram to send revised pension proposals to the Accountant General, Chennai in respect of the petitioner namely N.Natarajan counting 50% of services put in by them as Thalayari for the period from 21.12.1984 to 31.05.1995 within a specified time frame that may be fixed by this Court.

Prayer in WP(MD). 13764/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Mandamus directing the respondents to consider the petitioner s husband S. Sadayappa Vallals s service as village karnam from 18.6.1965, Panchayat Clerk from 1.1.1991 to 1.8.1994 and as village Adminstrative Officer from 12.8.1994 to 31.5.2002 for the purpose of pension, family pension and other terminal benefit and re-fix the same by extending the benefits available under G.O.Ms.No.756 dated 17.6.1993 and G.O.Ms.408 finance (pension) department dated 25.8.2009 to the service rendered by the petitioner s husband to pay the arrears of the pension Gratuity and other terminal benefits from the date of the petitioner's husband's retirement to the date of his death (ie., 31.05.2002 to 25.02.2012) with interest at the rate of 18% per annum.

Prayer in WP(MD). 13764/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Mandamus directing the respondents to consider the petitioner s husband S. Sadayappa Vallals s service as village karnam from 18.6.1965, Panchayat Clerk from 1.1.1991 to 1.8.1994 and as village Adminstrative Officer from 12.8.1994 to 31.5.2002 for the purpose of pension, family pension and other terminal benefit and re-fix the same by extending the benefits available under G.O.Ms.No.756 dated

17.6.1993 and G.O.Ms.408 finance (pension) department dated 25.8.2009 to the service rendered by the petitioner s husband to pay the arrears of the pension Gratuity and other terminal benefits from the date of the petitioner's husband's retirement to the date of his death (ie., 31.05.2002 to 25.02.2012) with interest at the rate of 18% per annum.

Prayer in WP(MD). 4537/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the first respondent i.e., the Principal Secretary to Government, Revenue Department, Secretariat, Chennai to pass orders counting 50% of services of the petitioner put in by him as Thalayari for the period from 01.10.1979 to 31.05.1995 for the purpose of calculation of pension along with regular services put in by him as Village Assistant and arrange to send revised pension proposals within a specified time frame, that may be fixed by this Honourable Court

Prayer in WP(MD). 779/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the first and third respondents i.e., the Principal Secretary to Government, Revenue Department, Chennai and the District Collector, Dindigul to send revised pension proposals to the Accountant General, Chennai, calculating half of the services put in by the petitioner as Village Headman and Panchayat Assistant within a specified time frame that may be fixed by this Honourable High Court.

Prayer in WP(MD). 780/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the first and third respondents i.e., the Principal Secretary to Government, Revenue Department, Chennai and the District Collector, Dindigul to send revised pension proposals to the Accountant General, Chennai, calculating half of the services put in by the petitioner as Headman within a specified time frame that may be fixed by this Honourable High Court.

Prayer in WP(MD). 781/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the first and third respondents i.e., the Principal Secretary to Government, Revenue Department, Chennai and the District Collector, Dindigul to send revised pension proposals to the Accountant General, Chennai, calculating half of the services put in by the petitioner as Karnam within a specified time frame that may be fixed by this Honourable High Court.

Prayer in WP(MD). 782/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the first and third respondents i.e., the Principal Secretary to Government, Revenue Department, Chennai and the District Collector, Dindigul to send revised pension proposals to the Accountant General, Chennai, calculating half of the services put in by the petitioner as Karnam within a specified time frame that may be fixed by this Honourable High Court.

Prayer in WP(MD). 783/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the first and third respondents i.e., the Principal Secretary to Government, Revenue Department, Chennai and the District Collector, Dindigul to send revised pension proposals to the Accountant General, Chennai, calculating half of the services put in by the petitioner as Headman within a specified time frame that may be fixed by this Honourable High Court.

Prayer in WP(MD). 784/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the first and third respondents i.e., the Principal Secretary to Government, Revenue Department, Chennai and the District Collector, Dindigul to send revised pension proposals to the Accountant General, Chennai, calculating half of the services put in by the petitioner as Headman within a specified time frame that may be fixed by this Honourable High Court.

Prayer in WP(MD). 785/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the first and third respondents i.e., the Principal Secretary to Government, Revenue Department, Chennai and the District Collector, Dindigul to send revised pension proposals to the Accountant General, Chennai, calculating half of the services put in by the petitioner as Headman within a specified time frame that may be fixed by this Honourable High Court.

Prayer in WP(MD). 786/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the first and third respondents i.e., the Principal Secretary to Government, Revenue Department, Chennai and the District Collector, Dindigul to send revised pension proposals to the Accountant General, Chennai, calculating half of the services put in by the petitioner as Headman within a specified time frame that may be fixed by this Honourable High Court.

Prayer in WP(MD). 787/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the first and third respondents i.e., the Principal Secretary to Government, Revenue Department, Chennai and the District Collector, Dindigul to send revised pension proposals to the Accountant General, Chennai, calculating half of the services put in by the petitioner as Headman within a specified time frame that may be fixed by this Honourable High Court.

Prayer in WP(MD). 788/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the first and third respondents i.e., the Principal Secretary to Government, Revenue Department, Chennai and the District Collector, Dindigul to send revised pension proposals to the Accountant General, Chennai, calculating half of the services put in by the petitioner as Headman and Panchayat Assistant within a specified time frame that may be fixed by this Honourable High Court.

Prayer in WP(MD). 789/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the first and third respondents i.e., the Principal Secretary to Government, Revenue Department, Chennai and the District Collector, Dindigul to send revised pension proposals to the Accountant General, Chennai, calculating half of the services put in by the petitioner as Headman within a specified time frame that may be fixed by this Honourable High Court.

Prayer in WP(MD). 790/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the first and third respondents i.e., the Principal Secretary to Government, Revenue Department, Chennai and the District Collector, Dindigul to send revised pension proposals to the Accountant General, Chennai, calculating half of the services put in by the petitioner as Headman within a specified time frame that may be fixed by this Honourable High Court.

Prayer in WP(MD). 791/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the first and third respondents i.e., the Principal Secretary to Government, Revenue Department, Chennai and the District Collector, Dindigul to send revised pension proposals to the Accountant General, Chennai, calculating half of the services put in by the petitioner as Headman within a specified time frame that may be fixed by this Honourable High Court.

Prayer in WP(MD). 10601/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the first and third respondents i.e., the Principal Secretary to Government, Revenue Department, Chennai and the District Collector, Dindigul to send revised pension proposals to the Accountant General, Chennai, calculating half of the services put in by the petitioner as Karnam in Adiyamuthu Village, Dindigul District for the period from 09.07.1969 to 14.11.1980 within a specified time frame that may be fixed by this Honourable High Court.

Prayer in WP(MD). 19434/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus Directing the 1st respondent i.e., the Principal Secretary to Government, Revenue Department, Secretariat, Chennai to pass orders counting 50 percent of services of the petitioner put in by the petitioner as Thalayari for the period from 04.03.1978 to 31.05.1995 for the purpose of calculation of pension along with regular services put in by him as Village Assistant and arrange to send revised pension proposals within a time specified.

Prayer in WP(MD). 22673/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus directing the first respondent i.e, the Principal Secretary to Government , Revenue Department , Secretariat, Chennai to sanction pension to the petitioners late husband counting 50 percent of services put in by him as Thalayari for the period from 17/08/1964 to 31/05/1995 and counting full services put in by him as Village Assistant for the period from 01/06/1995 to 30/06/2004 and also sanction family pension to the petitioner based on the pension to be fixed for her late husband M.Karuppan within a specified time.

Prayer in WP(MD). 1822/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Mandamus, directing the first respondent i.e., the Principal Secretary to Government, Revenue Department, Secretariat, Chennai to pass orders counting 50% of services of the petitioner put in by him as Thalayari for the period from 21/08/1973 to 31/05/1995 for the purpose of calculation of pension along with regular services put in by him as Village Assistant and arrange to send revised pension proposals .

Prayer in WP(MD). 1821/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Mandamus, directing the first respondent i.e., the Principal Secretary to Government, Revenue Department, Secretariat, Chennai to pass orders counting 50% of services of the petitioner put in by him as Thalayari for the period from 10.07.1978 to 31.05.1995 for the purpose of calculation of pension along with regular services put in by him as Village Assistant and arrange to send revised pension proposals within a specified time frame.

Prayer in WP(MD). 1823/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Mandamus, directing the first respondent i.e., the Principal Secretary to Government, Revenue Department, Secretariat, Chennai to pass orders counting 50% of services of the petitioner put in by him as Thalayari for the period from 16.08.1981 to 31.05.1995 for the purpose of calculation of pension along with regular services put in by him as Village Assistant and arrange to send revised pension proposals within a specified time frame.

Prayer in WP(MD). 12945/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Mandamus directing the first respondent i.e. the Principal Secretary to Government, Revenue Department, Secretariat, Chennai to pass orders counting 50% of services of the petitioner put in by him as Thalayari for the period from 01.02.1982 to 3.05.1995 for the purpose of calculation of pension along with regular services put in by him as Village Assistant and arrange to send revised pension proposals within a specified time frame that may be fixed by this Hon'ble Court.

Prayer in WP(MD). 12946/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Mandamus directing the first respondent i.e. the Principal Secretary to Government, Revenue Department, Secretariat, Chennai to pass orders counting 50% of services of the petitioner put in by him as Thalayari for the period from 21/01/1985 to 31/05/1995 for the purpose of calculation of pension along with regular services put in by him as Village Assistant and arrange to send revised pension proposals within a specified time frame that may be fixed by this Hon'ble Court.

Prayer in WP(MD). 13537/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the first respondent ie., the principal secretary to government , Revenue Department , Secretariat, Chennai to pass positive orders counting 50% of Services of the petitioner put in by him as Thalayari for the period from 23/04/1982 to 31/05/1995 for the purpose of calculation of pension along with regular services put in by him as Village Assistant and arrange to send revised pension proposals.

Prayer in WP(MD). 5694/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the first respondent ie., the Principal Secretary to Government , Revenue Department, Secretariat, Chennai to pass orders counting 50% of Services of the petitioner put in my him as Thalayari for the period from 16/05/1977 to 31/05/1995 for the purpose of calculation of pension along with regular services put in by him as village assistant and arrange to send revised pension proposals .

Prayer in WP(MD). 5695/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the first respondent ie., the Principal Secretary to Government , Revenue Department, Secretariat, Chennai to pass orders counting 50% of Services of the petitioner put in by him as Thalayari for the period from 07/11/1985 to 31/05/1995 for the purpose of calculation of pension along with regular services put in by him as Village Assistant and arrange to send revised pension proposals

Prayer in WP(MD). 8638/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of mandamus directing the first respondent ie., the Principal Secretary to Government , Revenue Department , Secretariat, Chennai to pass orders counting 50% of services of the petitioner put in by him as Thalayari for the period from 01/09/1976 to 31/05/1995 for the purpose of calculation of pension along with regular services put in by him as Village Assistant and arrange to send revised pension proposals .

Prayer in WP(MD). 22332/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus calling records of the 3rd respondent relating to the District Collector, Madurai passed in his Kaditha.O.Mu.No.51493/17/G1 Date:22.11.2017 and quash the same and consequently direct the respondents to refix the pension of the petitioner counting half of the services put in by him as Vettiyan for the period from 28.01.1974 to 31.05.1995 and to send revised pension proposals to the Accountant General, Chennai, within a specified time frame that may be fixed by this Hon'ble High Court.

Appearance

WAs	For appellants	For Respondents
WA(MD).167 of 19	Mr.Sricharan Rengarajan Additional Advocate General Assisted by Mr.K.P.Krishnadoss Special Government Pleader	Mr.S.Visvalingam for sole Repentant
WA(MD).213 of 2019	Mr.Sricharan Rengarajan Additional Advocate General Assisted by Mr.K.P.Krishnadoss Special Government Pleader	Mr.S.Visvalingam for sole Repentant
WA(MD).507 to 509 of 2019	Mr.Sricharan Rengarajan Additional Advocate General Assisted by Mr.K.P.Krishnadoss Special Government Pleader	Mr.S.Visvalingam for sole Repentant
WA(MD).789 of 2020	Mr.Sricharan Rengarajan Additional Advocate General Assisted by Mr.K.P.Krishnadoss Special Government Pleader	Mr.S.Visvalingam for R1 Mr.P.Gunasekaran, Standing Counsel for R2
WA(MD).876 of 2020	Mr.Sricharan Rengarajan Additional Advocate General Assisted by Mr.K.P.Krishnadoss Special Government Pleader	Mr.S.Visvalingam for sole Respondent
WA(MD).910 of 2020	Mr.Sricharan Rengarajan Additional Advocate General Assisted by Mr.K.P.Krishnadoss Special Government Pleader	Mr.S.Visvalingam for R1 Mr.P.Gunasekaran, Standing Counsel for R2
WA(MD).1006 of 2020	Mr.Sricharan Rengarajan Additional Advocate General Assisted by Mr.K.P.Krishnadoss Special Government Pleader	Mr.S.Visvalingam for R1 Mr.P.Gunasekaran, Standing Counsel for R2
WA(MD).1178 of 2020	Mr.Sricharan Rengarajan Additional Advocate General Assisted by Mr.K.P.Krishnadoss Special Government Pleader	Mr.S.Visvalingam for R1

WA(MD).1190 of 2020	Mr.Sricharan Rengarajan Additional Advocate General Assisted by Mr.K.P.Krishnadoss Special Government Pleader	Mr.S.Visvalingam for R1
WA(MD).1227 to 1231 of 2020	Mr.Sricharan Rengarajan Additional Advocate General Assisted by Mr.K.P.Krishnadoss Special Government Pleader	Mr.S.Visvalingam for R1
WA(MD).831 of 2020	Mr.P.Pethu Rajesh	Mrs.J.Padmavathi Devi, Special Government Pleader for R1
WA(MD).849 of 2020	Mrs.J.Padmavathi Devi, Special Government Pleader	Mr.P.Pethu Rajesh, for R1
WA(MD).1257 of 2020	Mrs.J.Padmavathi Devi, Special Government Pleader	Mr.S.Visvalingam,for R1 Mr.P.Gunasekaran,for R2
WA(MD).1282 to 1295 of 2020	Mrs.J.Padmavathi Devi, Special Government Pleader	Mr.S.Visvalingam, for sole Respondent
WA(MD).198 of 2021	Mr.Sricharan Rengarajan Additional Advocate General Assisted by Mr.K.P.Krishnadoss Special Government Pleader	Mr.S.Visvalingam
WA(MD).199 of 2021	Mr.Sricharan Rengarajan Additional Advocate General Assisted by Mr.K.P.Krishnadoss Special Government Pleader	Mr.S.Visvalingam
WA(MD).127 to 129 of 2021	Mr.Sricharan Rengarajan Additional Advocate General Assisted by Mr.K.P.Krishnadoss Special Government Pleader	Mr.S.Visvalingam
WA(MD).339 to 344 of 2021	Mr.Sricharan Rengarajan Additional Advocate General Assisted by Mr.K.P.Krishnadoss Special Government Pleader	Mr.S.Visvalingam for R1 Mr.P.Gunasekaran for R2
WA(MD).387 of 2021	Mr.Sricharan Rengarajan Additional Advocate General Assisted by Mr.K.P.Krishnadoss Special Government Pleader	Mr.S.Visvalingam for R1 Mr.P.Gunasekaran for R2

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COMMON JUDGMENT

(Judgment of the Court was delivered by M.M.SUNDRESH, J)

In these batch of Writ Appeals, we are concerned with the issue of entitlement of 50% of the service rendered prior to the change of status as Full Time Government Servants, insofar as Village Headman/jiyahhp. and recruitment made afresh for erstwhile Karnam (Village Officers) appointed on a hereditary basis.

2.This Court in a catena of judgments held that 50% service rendered as part time employees without a cadre post can still be counted in accordance with the rules. Some of the decisions rendered, placing reliance upon the earlier decisions, attained finality with the dismissal of the Special Leave Petitions and thereafter due implementations made.

3.There are two different types of Government servants in these batch of Writ Appeals. In one set of cases, qua village headmen, they were employed earlier on a part time basis not borne on a cadre post and the second set of cases involve Village Karnams appointed afresh by going through the process of selection through the rules framed, while the earlier one was hereditary without any qualification prescribed.

4.Before considering the issues raised in these Writ Appeals, let us have a fresh look at the facts along with the provisions governing the posts.

5.The Village Headmen (Talayaris) were appointed on a part time basis decades ago. They were brought under the rules framed in exercise of power conferred under Section 309 of the Constitution of India in supersession of the Tamil Nadu Village Officers Service Rules, 1970 and of the Tamil Nadu Village Officers Service Rules, 1978. Thereafter, Tamil Nadu Village Servants Conduct Rules, 1983 came into the picture. These rules have been made applicable to all those appointed under the Madras Proprietary Estates' Village Service Act, 1894. Thus, these Rules were made applicable to the part-time service of Village Headman/Village Servant, who continue to hold the same status. We may note, Village Assistant, Village Servant and Village Headman are all one and the same.

6.In the year 1978, separate pension rules have been brought forth for the Government servants working in the State of Tamil Nadu. Of this, Rule 11 speaks of reckoning the qualifying service rendered by a Government servant prior to the regular service. Explanation to Rule 11 has been brought forth with effect from 01.01.1979 and Rule 11(2) with effect from 15.04.1996 and Rule 11(3) with effect from 14.02.1996. Similarly Rule 11(4) has been brought into the statute from 09.02.2010.

7.As the Village Servants viz., Talayaris were not brought under the regular full time employment, they made several representations, right from the year 1980 and to consider the request made, a High Level Committee was constituted. Accordingly, a recommendation was made to make such part time Village Servants/Village Assistants as full time Government servants. The aforesaid recommendation was accepted by the Government in G.O.(Ms.) No.625, Revenue Department, dated 06.07.1995, indicating that separate rules should be made for them. Accordingly, another Government order was passed in G.O.(3D) - No.9, Revenue (Ser.7(1)) Department, dated 28.02.2006, paving the way for Tamil Nadu Village Assistant Pension Rules, 1995.

8.These persons were admittedly not given pension in tune with Rule 11 of the Tamil Nadu Pension Rules, 1978 on two grounds viz., the same is not applicable to them and they are having separate set of rules. Writ Petitions have been filed in most of the cases and after few decades of their superannuation, the Writ Petitions were accordingly, allowed.

9.The second set of cases involve the Village Officers, viz., Karnams. These persons were originally made as such, by way of hereditary rights for life. Therefore, neither there was any qualification involved nor it is based upon any tenure. An ordinance was passed, which was replaced by the enactment called "The Tamil Nadu Abolition of the Posts of Part-Time Village Officers Act, 1981 (Act, 3 of 1991)". Accordingly, the part-time Village Officers as aforesaid were relieved in pursuant to the abolition. A challenge was made before the Hon'ble Apex Court. The challenge was repelled by the Apex Court in ***K.Rajendran & Ors. v. State of Tamil Nadu*** reported in ***1982 AIR 1107*** with the following directions:-

> "(i) The State Government will give effect to the memorandum filed on its behalf which is incorporated in this judgment in the case of those who possess the minimum general qualifications prescribed under the Act and the Rules made thereunder and who were holding the posts of part-time village officers immediately before the Act came into force. The State Government shall re-employ all such persons who have not crossed the age of superannuation and who are selected as per the memorandum in the new cadre within four months from today. Until they are so selected, they will not be paid any remuneration. Even if they are re-employed, the amount paid to them pursuant to the interim orders will not be recovered from them.
>
> (ii) The compensation, if any, payable by the State Government under section 5 of the Act to those who cease to be village officers shall be adjusted against the amount paid

pursuant to the interim orders passed in these cases. The State Government will not recover from them any amount paid to them pursuant to the interim orders passed in these cases in excess of the compensation, if any, payable to them.

(iii) The interim orders stand vacated with effect from April 15, 1982."

Thereafter, the Committee went into the matter and gave re-employment to such of those, who are qualified. Even this set of employees, though retired, again approached this Court, seeking counting of 50% of the services rendered in the erstwhile post of Village Karnam, placing reliance on Rule 11 of Tamil Nadu Pension Rules, 1978. Once again, after decades of their reaching the age of superannuation, they are also accordingly, allowed. As in the other cases, the issue involved attained finality, given effect to in certain cases.

Provisions:

10. **The Tamil Nadu Pension Rules, 1978:**

Rule 3(o) defines the 'qualifying service'. A 'qualifying service' would mean only permanent or officiating service rendered in a post included in pensionable establishment. Thus, the said Rule makes the position very clear that the services will have to be permanent or officiating to be rendered in a post included in the pensionable establishment. The aforesaid provision is reproduced hereunder:

"3(o) 'qualifying service' means permanent or officiating service (including temporary service under emergency provisions) rendered in a post included in a pensionable establishment;

Rule 11 is the important rule, which is appositely referred hereunder:-

"**11. Commencement of qualifying services. -** (1) Subject to the provisions of these rules, qualifying service of a Government servant shall commence from the date he takes charge of the post to which he is first appointed either substantively or in an officiating or temporary capacity. In the case of a Government servant retiring on or after the first October 1969, [***] temporary or officiating service in the pensionable post whether rendered in a regular capacity or not shall count in full as qualifying services even if it is not followed by confirmation.

Note. - In the case of the employees of the former Pudukkottai State and persons transferred from the former Travancore-Cochin State consequent on the reorganisation of States, temporary or officiating service rendered in a regular capacity under the former Pudukkottai State or the former Travancore-Cochin State shall count in full for purposes of pension.

Provided that -

(a) in the case of a Government servant, service rendered before attaining the age of eighteen years shall not count, except for compensation gratuity;

(b) in the case of a Government servant whose year and month of birth are known, but not the exact date the 16th of the month should be treated as the date of birth. When the year of birth is known but not the month and date 1st July of the year shall be taken.

(c) in the case of a Government servant with no military service who gives on recruitment only his age, but not the year of his birth, the year should be arrived at by deducting from the year of recruitment the given age and then the date of birth should be taken as the 1st July of that year:

Provided further that in the case of a Government servant with previous military service the date of birth is fixed as laid down below -

When a military employee is transferred to a civil department under the Government and assumes a civilian status, the date of birth to be entered in his service book should be the date stated by him at the time of attestation.

When the documents referring to the previous military service of an individual do not give the definite date of birth but only the age stated at the time of attestation, he should be assumed to have completed the stated age on the date of attestation e.g., if ex-soldier was enrolled on 1st January 1910 and if on that date, his age was stated to be 18, his date of birth should be taken as 1st January 1892. This procedure will apply to cases arising on or after 27th June 1938.

Notwithstanding anything contained above, in cases where S.S.L.C or any other school certificate is available, the date of birth, as entered therein should be taken into account.

[*Explanation.* - For the purpose of date of birth, the word "attestation" refers only to die initial records kept by the Defence Department at the time of appointment of the individual and not in the discharge from the discharge the Defence Department.]

[(2) Half of the service paid from contingencies shall be allowed to count towards qualifying service for pension along with regular service subject to the following conditions:-

(i) Service paid from contingencies shall be in a job involving whole time employment and not part-time for a portion of the day.

(ii) Service paid from contingencies shall be in a type of work or job for which regular posts could have been sanctioned, for example Chowkidar.

(iii) Service shall be for which the payment is made out on monthly or daily rates computed and paid on a monthly basis and which, though not analogous to the regular scale of pay, shall bear some relation in the matter of pay to those being paid for similar jobs being performed by staff in regular establishments.

(iv) Service paid from contingencies shall be continuous and followed by absorption in regular employment without a break.

(v) Subject to the above conditions being fulfilled, the weightage for past service paid from contingencies shall be limited to the period after the 1st January 1961 for which authentic records of service may be available.

(vi) Pension or revised pension admissible as the case shall be paid from the 23rd June, 1988.]

[(3) Half of the service rendered by a Government servant under non-pensionable establishment shall be counted for retirement benefits along with regular service under pensionable establishment subject to the following conditions:-

(i) Service under non-pensionable establishment shall be in. a job involving whole time employment.

(ii) Service under non-pensionable establishment shall be on time scale of pay and

(iii) Service under non-pensionable establishment shall be continuous and followed by absorption in pensionable establishment without a break.

Provided that in respect of those who retired prior to the 14th February, 1996, the retirement benefit or revised retirement benefit, as the case may be, admissible to them shall be paid from the 14th February, 1996 and there shall be no claim for arrears in any case, for the period up to the 13th February, 1996.]

[(4) Half of the service rendered under the State Government in non-provincialised service, consolidated pay, honorarium or daily wages basis on or after 1st January 1961 in respect of Government employees absorbed in regular service before 1st April 2003 shall be counted for retirement benefits along with regular service, subject to the following conditions, namely:-

(i) Service rendered in non-provincialised service, consolidated pay, honorarium or daily wages basis shall be in a job involving whole time employment;

(ii) Service rendered shall be on consolidated pay, honorarium or daily wages basis paid on monthly basis and subsequently absorbed in regular service under the State Government;

(iii) Service rendered in non-provincialised service, consolidated pay, honorarium or daily wages basis shall be followed by absorption in regular service before 1st April 2003 without a break.

Provided that this sub-rule is applicable to all employees who rendered service under the State Government in non-provincialised service, consolidated pay, honorarium or daily wages basis on or after 1st January 1961 and absorbed in regular service before 1st April 2003.

Provided further that wherever there was break in service before their absorption in regular service before 1st April 2003, the same shall be specifically condoned by the orders of the Head of Departments, in which the employees were regularly absorbed and such period of break, shall not count for the purpose of pensionary benefits.]"

Under sub-rule 2 of Rule 11, the employment will have to be whole time and not part time and the post will have to be regular and sanctioned one. As per sub-rule (3), services under non-pensionable establishment must be in job involving whole time employment and at a time scale of pay, without any break prior to absorption. Similar conditions are also imposed under sub-rule (4). Thus, the aforesaid Rule abundantly makes it clear that half of the services under a non-pensionable establishment can only be reckoned, when there is a full time employment in a cadre post, fixed time scale of pay and without any break prior to absorption. Therefore, there are two issues, which are required to be taken note of, viz., the nature of employment and an existence of permanent post on a regular time scale of pay.

11. **The Tamil Nadu Village Servants Conduct Rules, 1980:**

These set of Rules are obviously prospective in nature. Rule 3 speaks about mode of recruitment. These Rules also speak about the position of part- time Village Servants viz., Talayaris. They are accordingly made entitled to payment of an amount for the total service put in as determined in sub-rule (2) of Rule 14. Rule 14(1) and (2) are accordingly, reproduced hereunder:-

"**14. Amount to be paid on retirement.** - (1) Every person who ceases to hold the post of part-time Village Servant by reason of sub-rule (i) of rule 13, shall be paid an amount for the total service put in by him as part-time Village Servant and such amount shall be determined in accordance with the provision of sub-rule (2).

(2) The amount referred to in sub-rule (1) shall be calculated at the rate of one-half of the monthly emoluments for every year of total service put in by the person referred to in sub-rule (1).

Explanation. - For the purpose of this rule,-

(a) Where the total service,-

(i) includes a period which is a portion of a year; or

(ii) is a period less than a year, the amount payable for the period referred to in sub-clause

(i) or (ii), as the, case may be, shall be an amount bearing to the amount payable for one year of total service, the same portion as the said period bears to a period of one year of total service;

(b) "monthly emoluments" shall mean-

(i) Honorarium;

(ii) Panchayat Development Allowance, which were payable to the part-time Village Servant for the whole of the calendar month immediately proceeding the date of his retirement, and

(iii) an amount equal to one-twelfth of the consolidated annual travelling allowance for the year ending with the 31st March of the year of retirement:

Provided that where the part-time Village Servant was on leave other than casual leave or was absent without authorisation, or was under suspension, during the whole or part of the month proceeding his retirement, the monthly emoluments shall mean,-

(i) Honorarium; and

(ii) Panchayat Development Allowance, which would have been payable to him for the whole of the said month preceding his retirement, but for such leave, absence or suspension; and

(iii) an amount equal to one twelfth of the consolidated annual travelling allowance for the year ending with the 31st March of the year of retirement;

(c) "total service" shall not include any period during which a part-time Village Servant was-

(i) on leave other than casual leave, or

(ii) absent without authorisation, or

(iii) under suspension."

Rule 16 of the Tamil Nadu Village Servants Service Rules, 1980, again reiterates the position that the service rendered as Talaiyari is not pensionable. The following is the said Rule:-

"16.**Fundamental Rules and the Tamil Nadu Leave Rules, 1978 etc., not to apply.--**

(1) The provisions of the Fundamental Rules and the Tamil Nadu Leave Rules, 1978, shall not apply to the Village Servants.

(2) The posts are non-pensionable."

12. **<u>The Tamil Nadu Village Servants Conduct Rules, 1983:-</u>**

These Rules deal with the conduct of the Village Servants, being part- time Government servants. Under Rule 3, taking note of the employment being a part-time for Village Servants, a concession has been given to facilitate taking up private trade or employment either as part-time work or employment, provided they do not interfere with their legitimate duties. The only caveat is the prior permission. Thus, there can never be any iota of doubt on the nature of work being part time. The said Rule is appositely referred hereunder:-

"3. **Private trade or employment.** - The Village Servants being part-time Government servants, may take up part-time work or occupation:

Provided that -

(1) such part-time work or occupation shall not interfere with their legitimate duties as village servants; and

(2) the previous permission, in writing, has been applied for and obtained from the Revenue Divisional Officer concerned if the work or occupation is confined to the charge village and from the District Collector concerned, if the work or occupation extends beyond the charge village."

As demands were made right from the inception of Tamil Nadu Village Servants Conduct Rules, 1980 by the part-time Talayaris, a decision was made by the Government to induct them as full-time employees by Government Order in G.O.(Ms) No.625, Revenue Department, dated 06.07.1995, as aforesaid. As per the said Government Order, there is a change in status and for the first time, the request made by the part-time Village Assistants (Talayaris) was accepted. This was followed by the Government Order in G.O.(3D) No.9, Revenue (Ser.7(1) Department, dated 28.02.2006, fixing the Family Pension and Death-cum-Retirement Gratuity to such of those persons. This is the history and story of Village Assistants, who by their persistent pleas, became a regular full-time Government servants due to the concession granted by the Government on the recommendation made by the High Power Committee.

13.As the Village Officers (Karnams) were functioning only by inheritance, without any qualification, the Rules were brought forth abolishing such posts. They laid a challenge to the Rules. In pursuant to the orders passed by the Hon'ble Apex Court, they were accordingly, re-employed as they had the requisite qualification. Admittedly, they were in a non-pensionable service, apart from they being part-time workers. There is a continued dis-entitlement under Rule 11 of the Tamil Nadu Pension Rules, 1978 from recognising half of the services rendered. Now, we are dealing with a case involving such persons whose Writ Petitions were allowed, placing reliance on the earlier orders passed.

SUBMISSIONS OF THE APPELLANTS/RESPONDENTS:

14.All these appeals have been preferred by the State as against the one, where the private party filed the appeal.

15.Learned Additional Advocate General appearing for the appellants submitted that admittedly the respondents are working in a non-pensionable establishment, which does not involve a cadre of posts. These writ petitioners were part-time employees. The Rules also clearly indicate the aforesaid position. In fact, they were brought under regular cadre either by the Government Order passed in G.O.(Ms) No.675, Revenue Department, dated 06.07.2015, applicable to Village Assistants and by way of re-employment, involving recruitment process, for Village Karnams in pursuant to the orders passed by the Apex Court. The issue involved is no longer *res integra* as the aforesaid position has been dealt with by the Larger Bench of this Court in ***Government of Tamil Nadu and others v. R.Kaliyamoorthy*** reported in ***2019(6) CTC 705.*** There is no estoppel against the statute and a decision rendered without considering the relevant provision cannot be termed as a binding precedent. In support of the contentions, reliance has been made on the following decisions:-

(i) ***M.Annaimuthu v. State of Tamil Nadu [MANU/TN/0142/2009]***

(ii) ***Union of India v. Gandiba Behera [2019 SCC Online SC 1444]***

(iii) ***O.Ramachandran v. Union of India [MANU/TN/2555/2016]***

(iv) ***Maharashtra State Cooperative Cotton Grovers' Marketing Federation v. Employees Union [1994 Supp (3) SCC 385]*** and

(v) ***Dhyan Singh v. State of Haryanan [(2002) 10 SCC 656].***

16.Supporting the contentions of the learned Additional Advocate General, learned Standing counsel appearing for the Accountant General submitted that a very reading of the Rules themselves make the position clear that the Writ Petitioners were holding part-time jobs in the un-sanctioned posts. There appears much disconnection insofar as Village Officers (VAO) and Karnams are concerned. Therefore, these Writ Appeals are to be allowed.

SUMMISSIONS OF THE RESPONDENTS/WRIT PETITIONERS:

17.Learned counsel for the respondents/writ petitioners submitted that the delay and laches cannot be put against them as it is one's entitlement of pension and similarly placed persons were given the relief. There are numerous orders passed as confirmed by the Hon'ble Apex Court. The order passed in their favour has been given effect to. Specific direction was issued to implement the same. Rule 11 has been interpreted by the Courts already. Much reliance has been made on the Division Bench judgment of this Court in ***Writ Appeal (MD) Nos.1254 and 1255 of 2019, dated 19.11.2019*** in the matter of ***the State of Tamil Nadu, rep. by its Secretary, Department of Revenue v. Chinna Karuppaiah***, wherein the scope and ambit of the Tamil Nadu Village Servants Service Rules were considered and it has been held that the post held by them was permanent. The law, which has been settled long time back, shall not be unsettled. The decision of the Hon'ble Full Bench of this Court, referred above, does not apply to the cases on hand. In support of the contentions, learned counsels have made reliance upon numerous judgements, which are reproduced hereunder:-

(i) ***K.Rajendran and others v. State of Tamil Nadu and others [1982 AIR 1107.***

(ii) ***M.Annai Muthu v. State of Tamil Nadu, Rep. by the Secretary to Government, Revenue Department and others [W.P.Nos.276 to 280 of 2009 and W.P.Nos.287 to 293 of 2009, dated 09.01.2009].***

(iii) ***P.Subramanian v. State of Tamil Nadu, Rep. by the Secretary to Government, Revenue Department and others [W.P.No.8318 of 2011, dated 27.07.2011].***

(iv) ***S.S.Kaliabiran v. the Government of Tamil Nadu, Rep. by the Secretary to Government, Finance Department and others [W.P.(MD) No.515 and 1072 of 2012, dated 21.02.2014].***

(v) ***K.Alagarsamy and others v. The Government of Tamil Nadu, Rep. by its Secretary, Rural Development Department and others [W.P.Nos.7217 of 2015 etc., batch, dated 02.08.2017].***

(vi) ***D.Ambalagan v. The Secretary to Government, Revenue Department and others [W.P.No.10252 of 2012, dated 16.11.2017].***

(vii) ***M.Paranthaman v. The State of Tamil Nadu, rep. by its Principal Secretary to Government, Revenue Department and others [W.P.(MD) Nos.19807 to 19809 of 2014, dated 22.01.2018].***

(viii) ***M.Jayaraman v. The Principal Secretary to Government, Revenue Department and others [W.P.(MD) No.2408 of 2018, dated 09.03.2018].***

(ix) ***V.S.Deivasigamani v. The Principal Secretary to Government, Revenue Department and others [W.P.(MD) Nos.2968 and 2969 of 2018, dated 15.03.2018].***

(x) ***R.Samayakaruppa Pillai v. The State of Tamil Nadu, Rep. by its Principal Secretary to Government, Revenue Department and others [W.P.(MD) Nos.14376 to 14379 of 2014, dated 27.03.2018].***

(xi) ***S.Ambikapathy v. The State of Tamil Nadu, Rep. by its Principal Secretary to Government, Revenue Department and others [W.P.(MD) Nos.5771 to 5779 of 2015, dated 27.03.2018].***

(xii) ***Government of Tamil Nadu v. K.Sakthivel [2018 (1) CWC 689].***

(xiii) ***The State of Tamil Nadu, Rep. by its Secretary, School Education Department and others v. C.Jayarani Gnanadevi [W.A.(MD) No.844 of 2018, dated 03.07.2018].***

(xiv) ***The State of Tamil Nadu, Rep. by its Principal Secretary to Government, Revenue Department and others v. M.Paranthaman [W.A.(MD) Nos.1065 to 1067 of 2018, dated 17.09.2018].***

(xv) ***C.Selvamani v. The State of Tamil Nadu, Rep. by its Principal Secretary to Government, Revenue Department and others [W.P.(MD) No.2483 of 2015, dated 12.12.2018].***

(xvi) ***D.A.Ramar v. The State of Tamil Nadu, Rep. by its Principal Secretary to Government, Revenue Department and others [W.P.(MD) Nos.20146 to 20149 of 2014, dated 22.01.2019].***

(xvii) The State of Tamil Nadu, Rep. by its Principal Secretary to Government, Revenue Department and others v. D.A. Ramar [W.A.(MD) Nos.966 to 969 of 2019, dated 24.09.2019].

(xviii) The State of Tamil Nadu, Rep. by its Secretary to Department of Revenue and others v. V.Rajagopal and others [W.A.(MD) Nos.973 and 974 of 2019, dated 25.09.2019].

(xix) The State of Tamil Nadu, Rep. by its Principal Secretary to Government, Revenue Department and others v. R.Samayakaruppa Pillai and others [W.A.(MD) Nos.1261 to 1263 of 2019, dated 20.11.2019].

(xx) *The State of Tamil Nadu, Rep. by its Principal Secretary to Government, Revenue Department and others v. N.Kottaichamy [W.A.(MD) Nos.183 and 185 of 2020, dated 02.03.2020].*

(xxi) *Sethurama Pandiyan v. The Secretary to Government, Revenue Department and others [W.P.(MD) Nos.16896 and 16921 of 2018, dated 31.07.2018].*

(xxii) K.Mony v. The Accountant General (Accounts and Entitlements) and another [W.P.(MD) No.7370 of 2011, dated 16.08.2018].

(xxiii) N.Krishnan v. The Secretary to Government, Revenue Department and others [W.P.(MD) Nos.23208 to 23219 of 2018 etc., batch, dated 31.01.2019].

(xxiv) The State of Tamil Nadu, Rep. by its Secretary to Government, Department of Revenue and others v. K.Karuthapandi and another [W.A.(MD) Nos.886 to 893 of 2019, dated 04.09.2019].

(xxv) C.Samuthiram v. The Principal Secretary to Government, Revenue Department and others [W.P.(MD) No.19434 of 2019, dated 09.09.2019].

(xxvi) The Government of Tamil Nadu, Rep. by its Secretary to Government, School Education Department and others v. A.Muthuramalingam [W.A. No.3077 of 2019, dated 13.09.2019].

(xxvii) K.Velmayil v. The Secretary to Government, Revenue Department and others [W.A.(MD) No.370 of 2019, dated 22.10.2019].

(xxviii) The State of Tamil Nadu, Rep. by its Secretary, Department of Revenue and others v. Chinna Karuppaiah [W.A.(MD) Nos.1254 & 1255 of 2019, dated 19.11.2019].

(xxix) N.Krishnan v. The Secretary to Government, Revenue Department and others [W.P.(MD) Nos.23208 to 23219 of 2018 etc., batch, dated 10.02.2020].

(xxx) N.Rakkamuthu v. The Principal Secretary to Government, Revenue Department and others [W.P.(MD) Nos.4537 of 2019 etc., batch, dated 10.02.2020].

(xxxi) P.Alagu v. The Principal Secretary to Government, Revenue Department and others [W.P.(MD) Nos.22332 of 2017 etc., batch, dated 10.02.2020].

(xxxii) S.Muthiah v. The Principal Secretary to Government, Revenue Department and others [W.P.(MD) No.7392 of 2020, dated 08.07.2020].

(xxxiii) E.Arumugam and others v. The Principal Secretary to Government, Revenue Department and others [W.P.(MD) No.14677 of 2019, dated 10.07.2020].

(xxxiv) R.Ramaiah v. The Principal Secretary to Government, Revenue Department and others [W.P.(MD) Nos.3319 and 20411 of 2019, dated 10.07.2020] and

(xxxv) The Secretary to Government and others v. K.Velmayil [S.L.P. (C) No.19157 of 2020, dated 20.11.2020].

These decisions includes few rendered by one of us (MMSJ) as well.

DISCUSSION:

18.We have already took note of the relevant Rules. A perusal of the Tamil Nadu Village Servants Conduct Rules, 1983, clearly states the status and position of Writ Petitioners. Certainly, they come under the definition 'Village Assistants'. However, Rule 3, which facilitate a Village Servant to take job of part-time work or occupation, makes it abundantly clear that he is only a part-time Government Servant. Similarly, Rule 14 of Tamil Nadu Village Servants Service Rules, 1980, which gives a succour to a part-time Government servant, as that of the respondents, gives a specific compensation. A conjoint reading of the aforesaid Rules would show that a Village Servant/Assistant was having a part- time service alone.

19.Now, let us go into the subsequent Government Orders passed, followed by Rules viz., Tamil Nadu Village Assistants Pension Rules, 1995. We have already discussed the Government Order, which came into existence only at the instance of the respondents Village Assistants, who were working in such capacity as part timers. For the first time, under the said Government Order, a regular time scale of pay came into existence. This is a very important point to be noted with respect to the status of the respondents as part-time Talayaris and they have been brought into regular Government Service. Therefore, regular time scale of pay was fixed with effect from 01.06.1995. The subsequent Rules have been framed to take care of their interest. We may note that Rule 2 to reiterate the aforesaid position, which does not create any doubt in our mind. Under Rule 7, the eligibility of a Village Assistant would arise only when a Village Assistant renders qualifying service. Similarly, under Rule 4(a), the length of service for calculation of pension and gratuity, temporary, officiating and permanent (full-time) service alone should be reckoned as qualifying service. Now, this Rule has been given a go-bye. Resultantly, what the respondents (Talayaris) seek is a relief contrary to their regularisation order, by which, they were brought under the regular time scale of pay with effect from 01.06.1995 and the Rules framed thereafter. Therefore, they cannot approbate and reprobate and it is only on their request, part-time service was converted into full-time service prospectively, creating the status of regular post with regular time scale of pay.

20.Much reliance has been made to Rule 11(a) read with Rule 2 (o) of the Tamil Nadu Pension Rules, 1978. These Rules are not applicable to the services of Talaiyaris, being in non-pensionable establishment and part-time and that too not in a cadre post. As per Rule 11(4), there must be whole-time employment. Similarly, there shall not be any break, which is in existence. Insofar as the other set of employees are concerned, viz., Village Officers (Karnams), we may appropriately quote Rule 16 of the Tamil Nadu Village Servants Service Rules, 1980. Even as per Rule 16 of the said Rules, the post of Talaiyari being-non pensionable, they are not entitled.

21.We are quite convinced with the entitlement of the respondents in the light of the discussions made. Our above said conclusion is also strengthened by the judgment of the Full Bench of this Court in ***Government of Tamil Nadu and others v. R.Kaliyamoorthy*** reported in ***2019(6) CTC 705***, which could be seen through the following paragraphs:-

> "29. Having regard to the above rule position, we proceed to examine the claim of the writ petitioners. Admittedly, the writ petitioners herein were appointed in various departments of the Government in non-provincialised services, on consolidated pay, honorarium or daily wage basis, on contingency basis. They were not appointed against any sanctioned post or regular post. For having rendered such service, they were paid daily wage or wages from the contingency fund. To be specific, the writ petitioners were not appointed in a cadre post whether on temporary or permanent basis against vacancies which were duly notified. They were appointed on daily wage basis prior to 01.04.2003 on various dates. The service of some of the petitioners were also admittedly regularised after 01.04.2003 in a cadre post as and when permanent vacancies arose or had been notified. The writ petitioners therefore claimed that they are entitled to count half of the service rendered by them on daily wage basis or as contingent employees or on honorarium basis or in non-provincialised services etc. along with the regular service as has been contemplated under Rule 11 (4). The petitioners also claimed equity on par with one Murugan, in whose favour, the Government passed G.O. (D) No.332, Environment and Forest Department dated 19.11.2008 by which the service rendered by the said Murugan, on daily wage basis for about 20 years was ordered to be counted along with his regular service rendered by him till his retirement on 30.09.2005. In other words, even though the service of the said Murugan was regularised after 01.04.2003, yet, as a special case, the Government issued G.O. (D) No.332, Environment and Forest Department dated 19.11.2008 and ordered to count half of the service rendered by him on daily wage basis along with his regular service. This had apparently sparked and/or kick-started a volley of writ petitions to be filed before this Court at the instance of persons similarly placed like the writ petitioners in this

batch. This Court had also, based on the order passed by the Government in G.O. (D) No.332, Environment and Forest Department dated 19.11.2008 directed the Government to count half of the service rendered by the persons similarly placed like the petitioners along with their regular service, purportedly on the ground of equity. The State Government filed writ appeals before the Division Bench of this Court, as against few cases in which such directions were issued by the single Bench.

...

31. On behalf of the writ petitioners, it was contended that the writ petitioners have been temporarily employed with nomenclature such as daily wage employees, on consolidated pay or on honorarium basis etc. and as per Rule 11 (1) the service rendered by them in such temporary employment has to be counted along with the regular service in a cadre post. We wish to observe that the word temporary or officiating service employed in Rule 11 (1) is referable to 'temporary appointment' contemplated under Rule 10 (a) (i) of Tamil Nadu State and Subordinate Services Rules. On a reading of Rule 10 (a) (i), the wordings employed thereof are explicit and clear. A temporary appointment made to a government service is the one which is made in a post borne on the cadre of a service, class or category, meaning thereby such temporary appointment is made in an existing vacancy or notified vacancy. Rule 10 (a) (i) further makes the position clear that such appointment is permissible to be made by the appointing authority in case of emergency to fill the vacancy, in public interest. For such appointment, the appointing authority has to form an opinion that the procedural process for appointment to the cadre post will take some time and that such delay would prejudice the public interest. In such circumstances, Rule 10 (a) (i) can be invoked for appointing a candidate on temporary appointment in a sanctioned post. The service of such person, though appointed on temporary appointment can later be regularised by following the due procedure. The significance for invoking Rule 10 (a) (i), apart from public interest, is the existence of sanctioned post or vacancy in a post borne on the cadre of a service, class or category. Thus, Rule 10 (a) (i) cannot be invoked in the absence of an existing vacancy in a cadre post. Therefore, we are of the view that the temporary appointment mentioned in Rule 11 of the Pension Rules, in the realm of Service Law Jurisprudence, is referable only to Rule 10 (a) (i) of the Tamil Nadu State and Subordinate Services. The writ petitioners were however appointed on daily wage basis on payment of honorarium or consolidated pay and did not come within the fold of Rule 10 (a) (i) of the Tamil Nadu State and Subordinate Services Rules. Only the appointments made under the provisions of

Rule 10 (a) (i) of the aforesaid Rules alone can be considered as temporary appointment. Therefore, the submissions made on behalf of the petitioners relying upon Rule 3 (o) has to be rejected. Admittedly the Writ Petitioners were not appointed invoking Rule 10(a)(i).

...

34. Rule 11 (4) of the Tamil Nadu Pension Rules, 1978 confers an additional benefit to such class of Government servants to include half of the service rendered in the above capacity for determining qualifying service provided their service was regularised before 01.04.2003. Rule 11 (4) by itself is not intended to deny pension to respondents/writ petitioners if appointment was prior to 01.04.2003 in the cadre post, whether temporary or permanent.

35. Rule 11 (4) merely provides a method for determining the ? qualifying service? for government employees who were absorbed into service before cut-off date of 01.04.2003.

36. The significance of Rule 11 (4) is to bring the service of a government employee / servant within the realm of qualifying service to count half of the service rendered under the State Government in non-provisionalised service, consolidated pay, honorarium or daily wages basis before 1st April 2003 for retirement benefits, if the absorption to service was before 01.04.2003.

37. Rule 11 (4) of the Tamil Nadu Pension Rules, 1978 allows a Government employee / servant appointed in a cadre post before 01.04.2003 as per the Rules whether in temporary or permanent capacity to include 50% of the service rendered in (i) non-provincialised services; (ii) Consolidated pay; (iii) honorarium; or (iv) daily wage basis along with regular service subject to conditions stipulated therein.

38. For instance if a government employee/servant was appointed and absorbed between the cut off dates i.e. 01.01.1961 and 01.04.2003, then he/she will be entitled to include half of the service rendered under the State Government in (i) non-provincialised services; (ii) Consolidated pay; (iii) honorarium; or (iv) daily wage basis into his/her services for determination of qualifying service.

39. On the other hand, if a Government employee / servant was not absorbed between the aforesaid cut off dates, he/she will not be entitled to include half of the service rendered under the State Government in (i) non-provincialised services; (ii) Consolidated pay; (iii) honorarium; or (iv) daily wage basis into his/her services even though such person may be entitled to Government Pension under the Rule if he/she was appointed in a cadre post on or before 01.04.2003 but was absorbed after the said date.

40. For example, if a person is appointed prior to

01.04.2003 in a non-provincialised service or on consolidated pay or on honorarium or daily wage basis and later to a cadre post on temporary basis under Rule 10 (a) (i) of The Tamil Nadu State and Subordinate Service Rules before 01.04.2003 and such service is regularised after 01/04/2003, such Government employee is eligible for Government Pension under the Tamil Nadu Pension Rules but at the same time would not be eligible to include half of services rendered in such capacity viz., i) Non-provincialised Services ii) Consolidated pay; iii) honorarium; or iv) daily wage basis to his regular service.

41. Thus, a government servant who may have been appointed before the cut-off date of 31.03.2003 may be entitled to government pension if he satisfies the requirement of qualifying service in Rule 3(o) of the Tamil Nadu Pension Rules, 1978. However, such a person will not be entitled to add half of the past service held in any one of the four capacity mentioned above prior to 01.04.2003 since his regularisation is subsequent to the cut off date. Therefore, only those who were appointed prior to 01.04.2003 whether as temporary appointment but in accordance with Rule 10 (a) (i) alone will be entitled to get pension.

42. The cut off date i.e. on or after 01.04.2003 in proviso to Rule 2 of the Tamil Nadu Pension Rules, 1978 will not *per se* bar a person from getting pension if such a person had joined the service in accordance with the provisions of Tamil Nadu State and Subordinate Service Rules i.e in the cadre whether on temporary or permanent basis. Services rendered before the cut off date of 01.04.2003, can be added to the regular service only if the service was regularised before the said date for determining the qualifying service. Therefore, in our opinion, it would be appropriate to say that Rule 11 (4) gives the meaning of qualifying service rather than giving significance to cut off date. Therefore, it is clear that only if the appointment is in accordance with the Rules and such appointment is prior to 01.04.2003, 50% of the past service can be added along with the regular service.

...

44. The aforesaid Judgment of the Honourable Supreme Court would squarely apply to this case. Merely because this Court has passed multiple number of orders in favour of some of the similarly placed persons like the writ petitioners, it will not operate as *res judicata* or it will preclude the State Government from questioning those orders in a parallel or similar proceedings. In such circumstances, we are of the view that the orders, hitherto passed by this Court, both single Bench or the Division Bench will not operate as a bar for maintaining these writ appeals or writ petitions or those orders will not be considered as the one which laid down any

binding precedent to be followed in other cases. An order, which was not passed in accordance with the statutory provisions, need not be followed by the Court at the instance of similarly placed persons."

The sum and substance of the decision rendered, which in our view, is that a Government Servant is entitled for reckoning the half of the past services, even while working in non-provincialised service, or on consolidated pay or on honorarium or daily wage basis only when there exists a cadre post. Rule 11 of the Tamil Nadu Pension Rules, 1978, merely facilitate the reckoning of the past services of a Government servants subject to the conditions stipulated therein.

22.Therefore, in view of the law laid down as aforesaid, we have no hesitation in holding that the appeals filed by the State are liable to be allowed. There is one more difficulty we may face. This is, with respect to catena of decisions available without taking note of the relevant provisions. Even this issue has been answered by the Full Bench of this Court referred to above, by holding that an issue which is not considered consciously leading to a decision may not be a binding precedent. Thus, illegality cannot be allowed to perpetuate.

23.Learned counsel appearing for the respondents/writ petitioners made reliance upon the decision rendered in ***Writ Appeal (MD) Nos.1254 and 1255 of 2019 dated 19.11.2019*** in the matter of ***the State of Tamil Nadu, rep. by its Secretary, Department of Revenue v. Chinna Karuppaiah***. We are afraid that the said decision will not enable the respondents from getting the relief. As aforesaid, the relevant Rules were not brought to the notice of the Court and Rule 16 of the Tamil Nadu Village Servants Service Rules, 1980, speaks about the status of the erstwhile Village Assistants and Village Officers such as Talaiyari and Karnams. Insofar as Talaiyaris are concerned, the part-time posts were sought to be abolished by fixing fixed compensation for the said work done and thereafter, a concession was given by bringing them under regular time scale of pay. The Government Orders concerned, which we discussed, followed by the Rules framed for the aforesaid purpose was not brought to the notice of the Court. We may note at the cost of repetition, but for the Government Order passed on 06.07.1995, the respondents Talaiyaris would have continued to have the status of part-time employees only. Therefore, it is not open to them to consider even from the inception that they were full-time employees, when there was no regular full-time scale of pay on a cadre basis.

24.The reliance made on the Tamil Nadu Village Servants Service Rules also is not correct, since it is to be applied prospectively for the new appointments. Therefore, there is no question of deemed permanent status contrary to the Rules and in any case, the respondents cannot approbate and reprobate.

25.Insofar as the Village Officers (Karnams) are concerned, the Act itself clearly specifies that they were part-time Village Officers and therefore, they were abolished. That is the reason why a challenge was made before the Courts. Thus, there is no ambiguity with respect to their own status. Secondly, re-employment has been made in favour of few eligible persons after due scrutiny by the Committee. A learned Single Judge (The Hon'ble Mr. Justice V.Ramasubramanian), as he then was, by order ***dated 09.01.2009***, made in ***W.P.Nos.276 to 280 of 2009 and W.P.Nos.287 to 293 of 2009,*** in the matter of ***M.Annai Muthu v. State of Tamil Nadu and others***, has clearly captured the history, background and their entitlement. Even for them, a separate Government Order has been passed in G.O.Ms.No.121, Revenue Department, dated 13.03.2001, giving certain pensionary benefits. In this connection, we would appropriately quote the following paragraphs:-

> "17. However, by an order in G.O.Ms.No.121, Revenue, dated 13.3.2001, the Ex. Village Officers who lost their jobs on 14.11.1980 and who got appointed temporarily after 1988 by acquiring the minimum general educational qualification subsequent to the date of abolition, but who retired without completing the qualifying service of 10 years, were granted the benefit of special pension originally ordered to the Ex-Officers who lost their jobs and who never got re-employment. Paragraphs-7 and 8 of the said order read as follows:-
>
> > "7. The Government have after careful consideration of the request of the Retired Village Administrative Officers and the recommendation of the Principal Commissioner and Commissioner of Revenue Administration, direct that the pensionary benefits ordered in G.O.(Ms) No.828, Revenue, dated 23.8.1996 and enhanced in G.O.(Ms) No.629, Revenue, dated 22.7.1998 be extended to the Ex-Village Officers who lost their jobs on 14.11.1980 and who did not possess minimum general educational qualification at the time of abolition of the posts of Village Officers (i.e.) 14.11.1980, but obtained the educational qualification, subsequent to 20.2.1982 and appointed as Village Administrative Officers under Rule 10(a)(i) basis with reference to G.O.(Ms) No.1287, Revenue, dated 6.7.1988 and retired without completing 10 years of qualifying service.
> >
> > 8. The Government also direct that the said category of Ex-Village Officers are eligible for pension sanctioned in paragraph-3 above, with effect from 5.12.1986, excluding for the period they worked as Village Administrative Officers."
>
> 18. To summarise, the vexed question of grant of pension for the services rendered by the erstwhile Village Officers has undergone a metamorphosis over the past three

decades and step by step the Government have yielded to the demand, categorywise as follows:-

(a) FOR THOSE WHO NEVER GOT RE-EMPLOYED:-

A special pension of Rs.175/- per month later enhanced to Rs.250/- per month with attendant benefits to all those living Ex-Village Officers, who lost their jobs on 14.11.1980 but who never got re-employed was first sanctioned with effect from 5.12.1986. For the families of those who were dead, a special family pension of Rs.100/- per month later enhanced to Rs.150/- per month, was similarly sanctioned.

(b) FOR THOSE WHO GOT RE-EMPLOYED IN 1982:-

For persons who lost their jobs on 14.11.1980 and who were appointed as Village Administrative Officers in the year 1982, by virtue of possessing minimum general educational qualification, but who retired without completing 10 years of service in the new category, their services were directed to be counted not from the date of their appointment in 1982 but directed to be counted with effect from 14.11.1980, so that they get 10 years of qualifying service in the new category to get at least minimum pension.

If these persons did not get 10 years of service, even after counting the service from 14.11.1980, then they were directed to be granted the special pension as per G.O.Ms.No.828, Revenue, dated 23.8.1996, with effect from 5.12.1986, but excluding the period of their non-employment.

(c) FOR THOSE WHO GOT RE-EMPLOYED AFTER 1988:-

Persons who lost their jobs on 14.11.1980 and who got appointed temporarily under Rule 10(a)(i) after 1988, by virtue of acquiring minimum general educational qualifications after the date of abolition, the special pension granted to those who were never re-employed, was granted with effect from 5.12.1986, excluding the period of their re-employment on temporary basis.”

In our considered view, the learned Single Judge, as he then was, has correctly applied the law by taking note of the fact even for the recruitment of part-time re-employment. Therefore, in the process, there were separate sets of Rules dealing with pensionary benefits. Now, there is no separate sets of Rules. They can recourse to the regular course of Rule applicable to Government servants under the Tamil Nadu Pension Rules, 1978. Incidentally, this being a re-employment, even otherwise Rule 11(3) would act as an embargo.

26.Having considered the entire issues involved, we also find that there is no application of Article 14 of the Constitution of India by comparing the respondents with those who got the relief albeit without taking note of the relevant provisions of law. Granting the relief would amount to setting aside two pension Rules without even a challenge especially when the respondents got the benefit of regular employment and permanent posts under the subsequent orders passed, on their request.

27.In the result, the appeals filed by the Government of Tamil Nadu stand allowed by setting aside the orders passed by the learned Single Judge and consequently, the appeal filed by the Writ Petitioner in W.A.(MD) No.831 of 2020 stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sj

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 to Government,
Revenue Department, Secretariat, Chennai-600 009

2. The Additional Chief Secretary and Commissioner of Revenue Administration, Ezhilagam, Chepauk, Chennai-600 005

3.The District Collector Virudhunagar District,
Virudhunagar

4.The District Collector, Madurai District, Madurai

5.The Revenue Divisional Officer,
Usilampatti Division, Usilampatti, Madurai Dt

6.The District Collector,
Thanjavur District, Thanjavur.

7.The District Collector, Dindigul District.

8.The District Collector Tirunelveli District, Tirunelveli.

9.The Tahsildar Nanguneri Taluk, Nanguneri, Tirunelveli District

10.The District Collector Ramanathapuram District, Ramanathapuram.

11.The Secretary to Government Of Tamilnadu,
Finance Department, St. George Fort, Chennai

12. The Tahsildar, Sattur Circle, Virdhunagar District

13. The Accountant General (A&E)
Chennai.

14. The Principal Accountant General of Tamil Nadu
(Accounts and Entitlements), 361, Anna Salai,
Chennai - 600 018.

+1 CC to M/s.P.GUNASEKARAN, Advocate (SR-7733[F] dated 01/03/2021)
+1 CC to M/s.P.PETHU RAJESH, Advocate (SR-7598[F] dated 26/02/2021)
+1 CC to M/s.S.VISVALINGAM, Advocate (SR-7645[F] dated 26/02/2021)
+1 CC to M/s.SPL GP (SR-7921 & 7856[F] dated 01/03/2021)

common Judgment in
W.A.(MD)Nos.1629 of 2018, 167, 213, 507 to 509 of 2019, 789, 876, 910, 1006, 1178, 1190, 1227 to 1231, 831, 849, 1257, 1282 to 1295 of 2020 and 198 and 199, 127 to 129, 339 to 344 & 387 of 2021
Delivered on : **26.02.2021**

SV2(CO)
TR(15.03.2021) 44P 19C