



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Writ Petition (MD)No.7173 of 2017

Chinnadurai

... Petitioner

Vs.

1.The Secretary to Government,
Revenue Department,
Fort St. George,
Chennai 600 009.

2.The Principal Commissioner and
Commissioner for Revenue Administration,
Chepauk,
Chennai 600 005.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the first respondent to pay the minimum pension arrears payable to the petitioner in the category of Village Administrative Officers in accordance with G.O.(Ms).No.756, Revenue Department, dated 17.08.1993 for the period from 31.08.2010 to 25.06.2014.

For Petitioner	: Mr.N.Anandakumar
For Respondents	: Mr.D.Muruganantham Additional Government Pleader

O R D E R

This writ petition has been filed for issuance of a Writ of Mandamus directing the first respondent to pay the minimum pension arrears payable to the petitioner in the category of Village Administrative Officers, in accordance with G.O.(Ms).No.756, Revenue Department, dated 17.08.1993, for the period from 31.08.2010 to 25.06.2014.

2. The case of the petitioner is that he was initially appointed as Karnam @ Village Headman on 14.12.1978, temporarily and he worked as Village Headman from 14.12.1978 to 18.10.1979. Thereafter, the Karnam post was abolished by the Government of Tamil Nadu with effect from 14.11.1980 and new category of full time Government Servants known as 'Village Administrative Officer' was created in the year 1982. Hence, the petitioner was appointed as Village Administrative Officer, on 23.12.2000 and joined in



Thiruvalliyankudi Village, Thanjavur District and he was retired from service on 31.08.2010. The total service rendered by the petitioner as Village Administrative Officer was 9 years, 8 months and 7 days. Apart from that, he served as Village Headman for more than 10 months. Hence, he was eligible to receive minimum pension. However, even if the said post of Village Headman is not merged with Village Administrative Officer, he completed more than 10 years of service, for which, the petitioner has already filed a writ petition before this Court in W.P.(MD).No.20550 of 2013, seeking direction to the respondents to sanction and pay the minimum pension payable to the petitioner in the category of Village Administrative Officers, in accordance with G.O.(Ms).No.756, Revenue Department, dated 17.08.1993 with all consequential benefits. This Court, by order dated 18.12.2013, issued a direction to the second respondent to consider the petitioner's representation dated 12.02.2013 and pass orders, with regard to the inclusion of 50% of earlier service along with regular service as Village Administrative Officer for the purpose of pension, as per G.O.(Ms).No.756, Revenue Department, dated 17.08.1993. Thereafter, the pension was ordered to the petitioner on 08.07.2015 and a sum of Rs.95,201/- was accumulated up to 30.09.2015 as arrears of pension from 26.06.2014 to 30.09.2015. However, now, the petitioner seeking minimum pension for the period from 31.08.2010 to 25.06.2014.

3. The learned counsel appearing for the petitioner would submit that though the petitioner retired from service in the year 2010, he was paid minimum pension only from 2014 onwards. Therefore, he is entitled to receive pension from the date of his retirement up to the date of Government Order, dated 25.06.2014. Hence, this Court may issue a direction to the first respondent to disburse pension to the petitioner from the date of his retirement till 25.06.2014.

4. Heard the learned counsel for the petitioner, learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

5. The facts in the present case are not in dispute. Admittedly, the petitioner entered into service as Village Headman in the year 1978 and retired from service on 31.08.2010. Thereafter, he was not given minimum pension. Hence, the petitioner has filed a writ petition before this Court in W.P.(MD).No.20550 of 2013 and this Court, by order dated 18.12.2013, issued a direction to the second respondent to consider the petitioner's representation dated 12.02.2013 and pass orders, as per G.O.(Ms).N.756, Revenue Department, dated 17.08.1993. Thereafter, the respondents disbursed the arrears of pension from 26.06.2014 to 30.09.2015. However, admittedly, the petitioner retired from service in the year 2010 and the amount was disbursed from 2014 and in between 2010 to 2014, no amount was paid in favour of the petitioner though he is entitled to the same. Hence, this Court directs the respondents to consider the



petitioner's request for payment of arrears of pension from the date of his retirement to till the date of settlement of the benefits i.e., from 31.08.2010 to 25.06.2014. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

WEB COPY

6. With the above direction, this writ petition is disposed of.
No Costs.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

akv

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 Secretary to Government,
Revenue Department,
Fort St. George,
Chennai 600 009.

2.The Principal Commissioner and
Commissioner for Revenue Administration,
Chepauk,
Chennai 600 005.

+1 CC to M/s.SPL GP (SR-12149[F] dated 18/03/2021)

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tp(CO)
TR(24.06.2021) 3P 4C