



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.06.2021

C O R A M

THE HONOURABLE MR. JUSTICE P.D. AUDIKESAVALU

W. P. (MD) No. 11015 of 2016

V. Ramanathan

... Petitioner

Vs.

1. The Accountant General,
361, Anna Salai,
Teynampet,
Chennai-600 018.

2. The Revenue Divisional Officer,
Madurai Division,
Collectorate Complex,
Madurai-625 020.

3. The Tahsildar,
Vadipatti Taluk,
Vadipatti,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records of the First and Third Respondents ie., the Accountant General, Chennai, and the Tahsildar, Vadipatti relating to letter No.P26/I/12621268/A&E dated 23.03.2016 and the intimation memo No.A1/844/2016 dated 26.05.2016 respectively and quash the same and consequently, direct the Second and Third respondents to send the pension proposals counting half of the services put in by the Petitioner in the cadre of Noon Meal Organizer and the entire services put in by the Petitioner as Village Administrative Officer to the Accountant General, Chennai within a specified time frame and thereafter, the Accountant General, Chennai may directed to sanction the pension as per the proposals of the Tahsildhar, Vadipatti within a specified time frame that may be fixed by this Court.

For Petitioner	:	Mr. S.Visvalingam
For R1	:	Mr. P.Gunasekaran
		Standing Counsel
For R2 and R3	:	Mr. D.Gandhiraj
		Counsel on behalf of Govt.
		Tamil Nadu



ORDER

Heard Mr. S.Visvalingam, Learned Counsel for the Petitioner, Mr. P.Gunasekaran, Learned Standing Counsel appearing for the First Respondent and Mr. D.Gandhiraj, Learned Counsel representing for the Second and Third Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner was temporarily working as a Noon Meal Organizer for the period from 31.01.1983 to 16.02.2009 and he was subsequently appointed as Village Administrative Officer with effect from 19.02.2009 and he retired from service on 29.02.2016. In respect of his entitlement to pension, the Petitioner contended that his temporary service as Noon Meal Organizer from 31.01.1983 to 16.02.2009 has to be taken into account. However, the Respondents have denied the said benefit stating that as the Petitioner was absorbed as Village Administrative Officer only on 19.02.2009, which is after 01.04.2003, such service could not be included for extending the benefit of pension to him in view of proviso to Rule 2 of the Tamil Nadu Pension Rules, 1978, inserted by G.O.Ms.No.259 dated 06.08.2003 by the Government of Tamil Nadu. The Writ Petition assails the orders passed by the First and Third Respondents in that regard.

3. The said question has been considered by the Full Bench of this Court in **Government of Tamil Nadu -vs.- R.Kaliyamoorthy**, [(2019) 6 CTC 705], and it has been held as follows:-

"45...(v) Those government servants who were appointed in the aforesaid four categories before 01.04.2003 but were absorbed in regular service after 01.04.2003 will not be entitled to count half of their past service for the purpose of determination of qualifying service for pension."

In view of that binding ruling, the Petitioner is not entitled for the relief claimed. It is further brought to notice that the Division Bench of this Court in the order dated 29.04.2021 in W.A. (MD) No. 1141 of 2020 has reiterated that legal position in respect of a person similarly placed to the Petitioner in this case.

5. In the result, the Writ Petition is dismissed. No costs.

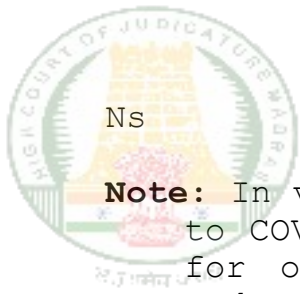
Sd/-

Assistant Registrar (AE)

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/ /2021

Sub Assistant Registrar (CS)



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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 Revenue Divisional Officer,
Madurai Division,
Collectorate Complex,
Madurai-625 020.

2.The Tahsildar,
Vadipatti Taluk,
Vadipatti,
Madurai District.

+1 CC to M/s.S.VISVALINGAM, Advocate (SR-20383[F] dated
28/06/2021)

W.P. (MD) No.11015 of 2016
28.06.2021

LS (CO)
LR (09.08.2021) 3P 4C