



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.12.2021**

CORAM:

WEB COPY

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**

W.P. (MD)No.18839 of 2018

B.Sampathkumar

... Petitioner

/Vs./

1. The Principal Secretary to
Government of Tamil Nadu,
Rural Development and Panchayat Raj,
Secretariat, Chennai - 600 009.
2. The Director,
Directorate of Rural Development and
Panchayat Raj Department,
Pangal Building,
Saidapet, Chennai - 600 015.
3. The Principal Accountant General (Accounts and Entitlement),
No.361, Annasalai,
Tenampettai,
Chennai 600 018.
4. The District Collector,
Trichy.
5. The Block Development Officer (Block),
Thiruverumbur Panchayat Union,
Trichy.

...Respondents

PRAYER:- Writ Petition - filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondents to take into account 50% of the service rendered by the petitioner as Panchayat Clerk from 01.08.1990 to 02.07.2012 for pensionary benefits and accordingly fix the pension to the petitioner.

For Petitioner	: Mr.P.Ganapathi Subraminan
For R1,R2,R4&R5	: Mr.K.S.Selvaganesan Additional Government Pleader
For R3	: Mr.P.Gunasekaran



ORDER

Learned counsel appearing for the petitioner concedes the position that the relief sought for in this writ petition, for a mandamus directing the respondents to take into account 50% of the services rendered by the petitioner as Panchayat Clerk from 01.08.1990 to 02.07.2012 for pensionary benefits, is not liable to be granted, in the light of the decision of the Full Bench of this Court in the case of *State and others vs. R.Kaliyamoorthy* (2019 (6) CTC 705).

2.This is for the reason that only those employees who have been in service prior to 01.04.2003, being the cut-off date for such eligibility, are entitled to the benefit of the old scheme, whereas in the present case, the petitioner was absorbed in regular service only on 10.02.2007. This Writ Petition is thus dismissed. No costs.

Sd/-

Assistant Registrar (P&A)

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/ /2022

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 Principal Secretary to Government of Tamil Nadu,
Rural Development and Panchayat Raj,
Secretariat,
Chennai - 600 009.
2. The Director,
Directorate of Rural Development and
Panchayat Raj Department,
Pangal Building,
Saidapet,
Chennai - 600 015.



3. The District Collector,
Trichy.

4. The Block Development Officer (Block),
Thiruverumbur Panchayat Union,
Trichy.

+1 CC to M/s.SPL GP (SR-37226[F] dated 03/12/2021)

+1 CC to M/s.P.GANAPATHI SUBRAMANIAN, Advocate (SR-37428[F] dated
06/12/2021)

Order made in
W.P.(MD)No.18839 of 2018
Dated: 02.12.2021

USK/28.01.2022/3P/7C