



W.P.No.11684 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2022

CORAM

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU

W.P.No.11684 of 2011

M.Nagarajan

..Petitioner

VS

1. The State of Tamil Nadu
rep by its Secretary to Government,
Revenue Department,
Fort St.George,
Chennai-600 009.
2. The Special Commissioner and
Commissioner for Revenue Administration,
Chepauk, Chennai-600 005.
3. The District Collector,
Chennai-600 001

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorarified Mandamus to call for the records relating to the proceedings of the 3rd respondent vide letter No.Na.Ka.A3/7294/2009, culminating in her order dated 07.01.2011, quash the same and direct the respondents to pay the petitioner's pension and other terminal benefits admissible to Village Administrative Officers, following the petitioner's retirement on 31.03.2010.



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For Petitioner : Mr.R.Annamalai
For Respondents : Mr.T.Arunkumar
Addl.Govt.Pleader

ORDER

This Writ Petition has been filed challenging the proceedings of the 3rd respondent dated 07.01.2011 and to direct the respondents to pay the pension and other terminal benefits admissible to Village Administrative Officers to the petitioner, who retired from service on 31.03.2010.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.

3. The case of the petitioner is that he was appointed as Village Administrative Officer vide proceedings dated 04.06.2009 in pursuance of the order of this Court passed in W.P.No.20986/2008 dated 27.08.2008. Thereafter, he retired from service on 31.03.2010 on attaining superannuation. He served for about 9 months. Since, no terminal and pensionary benefits were paid, he filed W.P.No.13241/2010 directing the 1st respondent to pay pension and other terminal benefits and this Court by order dated 24.06.2010 disposed of the writ petition directing the 1st respondent to pass orders on his representation dated 04.05.2010 but his



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claim was rejected. Hence, the present writ petition.

4. (i) Learned counsel for the petitioner would submit that the petitioner claims pension on the circumstances that his father Mr.S.Madanagopal was working as Village Karnam in Singampettai, Erode District, for more than 35 years, prior to the abolition of the said posts on 14.11.1980 and during his father's tenure, he worked in his place for 3 months from 25.08.1976 to 21.10.1976 when his father went on leave. Though the abolition of posts of Village Karnam was upheld by the Hon'ble Supreme Court of India, certain categories of persons who had worked as Village Karnam during the relevant time, were directed to be appointed as Village Administrative Officers. Pursuant to which, G.O.Ms.No.391 dated 19.07.1999 was passed providing appointment in favour of three categories of persons of which the petitioner comes under the 3rd category namely "One who was not working on the crucial date of 14.11.1980 but worked previously for sometime, were also made eligible for appointment as Village Administrative officer. Therefore, he sent representation dated 19.12.1993 to the District Collector Erode. Since no reply was forthcoming, he filed O.A.No.2470 of 1996 seeking appointment as VAO but the Tribunal passed order dated 30.12.2002 directing the petitioner to submit representation to



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the respective Collectors seeking appointment.

(ii) Learned counsel would further submit that though proposals for appointment of the petitioner were sent to Government, no positive action was taken. Therefore, the petitioner filed W.P.No.20986 of 2008 seeking appointment as V.A.O. This Court, by order dated 27.08.2008 directing the 1st respondent to consider the proposal within 3 months. But only on 4.6.2009, after a long delay of about 10 months, the petitioner was posted as V.A.O. on 9.7.2009.

(iii) Learned counsel would further submit that the petitioner could serve only for 9 months and retired on 31.03.2010 on superannuation. Only after repeated representations and filing petitions before Court, he was appointed. For no fault of the petitioner, he joined served only when he had 9 months left for retirement. Therefore, he sent representation to the 2nd and 3rd respondents on 04.05.2010 seeking pension and other terminal benefits. Since no action was taken, he filed W.P.No.13241/2010. This Court, vide order dated 24.6.2010, directed the respondents to examine the petitioner's representation dated 04.05.2010. But the 3rd respondent rejected the claim for pension mechanically. In support of his contention learned counsel relied on the decision of this Court made in W.P.No.2426 of 2018 dated



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29.06.2022(A.Savarimuthu v. Government of Tamilnadu).

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5. On the contrary, learned Additional Government Pleader would submit that the petitioner was given regular appointment as V.A.O and joined duty only on 09.07.2009 and retired from service on attaining the age of superannuation on 31.03.2010. The petitioner had rendered only about nine months of service. As per the Tamil Nadu Pension Rules 1978, a Government servant would be eligible for sanction of pension only after completion of 10 years of service and no V.A.Os have been granted pension by notionally extending the period of service from the date of abolition of the post of Village Karnum i.e., from 14.11.1980 as alleged by the petitioner. Moreover, prior to the abolition of the said post, the petitioner worked for 3 months i.e., from 25.08.1976 to 21.10.1976, when his father Mr.S.Madanagopal, who was working as Village Karnam, went on leave. Therefore, the petitioner is not entitled for any relief as per the provisions of Tamil Nadu Pension Rules, 1978.

6. This Court have considered the rival submissions made by the learned counsels for the parties and have perused the materials placed on record.

7. It is seen from the records that the petitioner was given regular



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appointment on 09.07.2009 and he worked from 09.07.2009 and retired on 31.03.2010. Though it is stated that the petitioner served as a Village Karnam temporarily for a period of three months from 25.08.1976 to 31.10.1976, it is seen that he had worked in the place of his father, who was working as Village Karnam and who went on leave during the relevant period. Thus, the decision relied on by the learned counsel for the petitioner made in W.P.No.2426 of 2018 dated 29.06.2022(A.Savarimuthu v. Government of Tamilnadu), is not applicable to him. The petitioner in the above writ petition was appointed as Village Karnam on 16.11.1978 and in that capacity, he worked for eight months i.e., from 16.11.1978 till 17.07.1979 and thereafter, he was appointed on 26.04.2001 and worked for more than three years and hence, his service was notionally treated from 14.11.1980 for the purpose of calculating the minimum pensionable service of 10 years by extending the benefit under G.O.Ms.No.158 Revenue Department dated 08.04.2015. Since the petitioner herein had worked only for nine months in the post of Village Administrative Officer and worked temporarily as Village Karnam before 14.11.1980 i.e., from 25.08.1976 to 21.10.1976, for less than three months, that too, only in the post of his father, when he was on leave. Therefore, this Court is not inclined to grant



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any relief to the petitioner. Accordingly, the Writ Petition stands dismissed.

No costs.

20.12.2022

Index:Yes/No

Speaking/Non-speaking order

vsi

To

1. The Secretary to Government,
State of Tamil Nadu,
Revenue Department,
Fort St.George,
Chennai-600 009.
2. The Special Commissioner and
Commissioner for Revenue Administration,
Chepauk, Chennai-600 005.
3. The District Collector,
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J.NISHA BANU,J.

vs

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