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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2022

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THE HON'BLE MR JUSTICE D. KRISHNAKUMAR

W.P.No.1554 of 2020

A.K.Nethaji (aged 68 years)
S/o.A.Kuppusamy

...Petitioner

Vs.

1. The Secretary to Government
Government of Tamil Nadu,
Revenue Department,
Fort St. George, Secretariat,
Chennai - 600 009.

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

3. The District Collector,
Thiruvallur District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider the representation dated 11.09.2019 in accordance with G.O.(Ms.) No.828 Revenue (E.Spl1) Dept. dated 23.08.1996.

For Petitioner : Mr.SNS.Jasmine

For Respondents : Mr.P.Balathandayntham,
Special Government Pleader

ORDER

This petition has been filed seeking to issue a Writ of Mandamus, directing the respondents to consider the representation dated 11.09.2019 in accordance with G.O.(Ms.) No.828 Revenue (E.Spl1) Dept. dated 23.08.1996.

2. The case of the petitioner in brief:

The petitioner was appointed as permanent Village Officer on 14.03.1980. Subsequently, the Government has abolished the post of Village Munsiff Officer w.e.f. 14.11.1980. Hence, he lost his employment. Thereafter, the Government has passed G.O.(Ms).No.828 Revenue (E.Spl.1) dated 23.08.1996, thereby granted a sum of Rs.175/- per month with attendance benefits as pension for the living Ex-Village Officers w.e.f.



5.12.1996. The petitioner gave representation dated 12.02.2018 to the respondents to sanction the pension along with arrears, as per the above Government Order. but it was not considered. Hence this writ petition.

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2. contentions of the third respondent in the counter affidavit in brief:

The Government have ordered to appoint the erstwhile Village Officers, who lost their job on 14.11.1980 and minimum education qualification is SSLC Pass. The petitioner, who worked as Village Officer in Angadu Village, Ponneri Taluk, and lost his job on 14.11.1980, applied for the post of Village Administrative Officer, and produced educational certificates. Then, he was appointed as Village Administrative Officer in Ponneri Taluk on 29.05.1999, temporary, subject to the verification of the genuineness of the certificates produced by him. Later, on verification it was found that the certificate produced by the petitioner was bogus, Hence he was terminated under Rule 10(A)(V) of the Tamil Nadu State and Subordinate Service Rules vide proceedings dated 19.07.2002 and he was relieved from service on 23.07.2002. The petitioner is not entitled to take his service period for pension, as he had cheated the Government. Hence, he is not eligible to get special pension. Further, as per Government Order (Ms) No.121, dated 13.03.2001, the Government has ordered for minimum qualifying service of 10 years for special pension. But the petitioner rendered service only for 8 months in the post of Village Administrative Officer. On this score also, he is not eligible to get special pension. Therefore, this writ petition is liable to be dismissed.

3. It is not disputed by the petitioner that, he was terminated from service, as has cheated the Government by producing bogus mark list and he does not possess the minimum educational qualification for the post of Village Administrative officer. Further, the petitioner has not disclosed the above said facts in the writ petition. Therefore, since the petitioner had produced the bogus educational certificate for getting employment from the Department, and for the same, he was terminated from service, he is not entitled for getting special pension, as sought for in the writ petition.

4. Accordingly, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS V)

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To

1. The Secretary to Government
Government of Tamil Nadu,
Revenue Department,
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Chennai - 600 009.
2. The Principal Commissioner and
Commissioner of Revenue Administration,
Chepauk, Chennai - 600 005.
3. The District Collector,
Thiruvallur District.

+1 cc to Government Pleader Sr.NO. 8666

W.P.No.1554 of 2020

kg (CO)
A.SK(28.02.2022)