



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2022

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.2046 OF 2020

AND

W.M.P.NOS. 2387 & 2389 OF 2020

AND

18290 OF 2021

K. Haridoss

...Petitioner

Vs.

- 1.Government of Tamil Nadu
Represented by its Principal Secretary,
Rural Development & Panchayat Raj Department,
Fort St. George,
Chennai - 600 009.
- 2.The Director/Commissioner,
Rural Development & Panchayat Raj Department,
having office at Panagal Maaligai,
Saidapet, Chennai - 600 015.
- 3.The District Collector,
Thiruvannamalai District.
- 4.The Special Officer
Vallur Agaram Panchayat and
The Block Development Officer (Village Panchayat)
Vandavasi Panchayat Union,
Thiruvannamalai District.
- 5.The Block Development Officer (Village Panchayat)
Vandavasi Panchayat Union,
Thiruvannamalai District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of certiorarified mandamus calling for the entire records which culminated in passing the order bearing reference in Na.Ka.Vo.A6/1611/2019 dated 09.12.2019 by the fourth respondent and quash the same and consequently directing the respondents to permit the petitioner to continue as Panchayat Secretary up to age of 60 years in the Vazhur Agaram Panchayat, Vadavasi Union,



Thiruvannamalai District with all consequential benefits and in accordance with law within a time to be stipulated by this court.

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For Petitioner : Mr.P.Ganesan
For Respondents : Mr.S.Rajesh,
Government Advocate

ORDER

The writ petition is filed for the issuance of a writ of certiorarified mandamus calling for the entire records which culminated in passing the order bearing reference in Na.Ka.Vo.A6/1611/2019 dated 09.12.2019 by the fourth respondent and quash the same and consequently directing the respondents to permit the petitioner to continue as Panchayat Secretary up to age of 60 years in the Vazhur Agaram Panchayat, Vadavasi Union, Thiruvannamalai District with all consequential benefits and in accordance with law within a time to be stipulated by this court.

2. The learned counsel for the petitioner fairly submitted before this court that the writ petitioner has filed the instant writ petition to permit the petitioner to continue as Panchayat Secretary up to the age of 60 years in the fourth respondent Panchayat based on G.O.Ms. No. 962, Rural Development Department dated 26.11.1990.

3. The learned counsel for the respondents has filed a counter. In the counter, it is stated that though the petitioner's claim that his superannuation age as 60, based on G.O.Ms.No.962, Rural Development Department dated 26.11.1990, it was modified into 58, bringing him into time scale. Therefore, the petitioner was permitted to retire on 31.05.2019 since he attained the age of 58 as stipulated in G.O.Ms. No.175, Rural Development Department, dated 05.12.2006.

4. He further submitted that the petitioner's claim of retirement age as 60 as per G.O.Ms.No.962, Rural Development Department, dated 26.11.1990 is not applicable since G.O.Ms. No. 175, Rural Development Department, dated 05.12.2006, wherein Panchayat Secretaries were brought into time scale from consolidated pay and their age for superannuation is stipulated as 58 in S.No.VI of appendix. Petitioner is enjoying the timescale like financial benefits awarded in the above G.O., but refuses to go through the conditions is not acceptable.

5. According to the learned counsel for the petitioner G.O.Ms.No.962, Rural Development Department, dated 26.11.1990 is



applicable to the petitioner and not G.O.Ms. No. 175, Rural Development Department, dated 05.12.2006. In these circumstances, the petitioner has made a representation to the authorities, and the same is pending. He further submitted that during the pendency of the writ petition, the respondents have settled the retirement benefits to the petitioner.

6. Even though in the counter affidavit filed by the respondents it is stated that G.O.Ms.No.962, Rural Development Department, dated 26.11.1990 is not applicable to the petitioner, the learned Government Pleader appearing for the respondents submitted that the petitioner was appointed in the year 1980. Therefore, based on the aforesaid G.O., the request of the petitioner will be considered.

7. This court does not want to go into the disputed facts stated by the petitioner. It is for the first respondent to consider the said request made by the petitioner and pass appropriate orders as expeditiously as possible within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CCC)

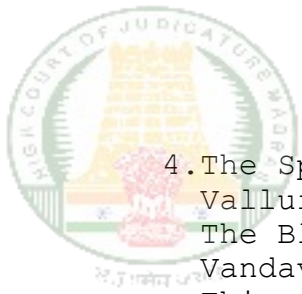
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Sub Assistant Registrar

mrn

To

- 1.The Principal Secretary,
Government of Tamil Nadu
Rural Development & Panchayat Raj Department,
Fort St. George,
Chennai - 600 009.
- 2.The Director/Commissioner,
Rural Development & Panchayat Raj Department,
having office at Panagal Maaligai,
Saidapet, Chennai - 600 015.
- 3.The District Collector,
Thiruvannamalai District.



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4.The Special Officer
Vallur Agaram Panchayat and
The Block Development Officer (Village Panchayat)
Vandavasi Panchayat Union,
Thiruvannamalai District.

5.The Block Development Officer (Village Panchayat)
Vandavasi Panmchayat Union,
Thiruvannamalai District.

+1cc to Mr.P.Ganesan, Advocate, S.R.No.14514

+1cc to the Government Pleader, S.R.No.15019

W.P.No.2046 of 2020
and
W.M.P.Nos. 2387 & 2389 of 2020
and
18290 of 2021

GPL(CO)
RVM(18/03/2022)