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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No. 5151 of 2021

S.Chandrasekar

..Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Rural Development & Panchayat Raj Department,
Fort St. George, Chennai- 600009.
 - 2.The Director of Rural Development & Panchayat Raj,
Panagal Building,
Saidapet, Chennai-600015.
 - 3.The District Collector,
Erode District,
Erode.
 - 4.The Principal Accountant General (A & E) Tamil Nadu
No.361 Anna Salai,
Chennai - 600 018.
- ..Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to count 50% services rendered by the petitioner in the post of part time Panchayat clerk from 1.01.1982 to 31.12.1990 and services rendered between 01.01.1991 till 30.01.1995 as panchayat assistant along with regular service from 01.02.1995 to 31.01.2019 for the purpose of granting pension in accordance with the directions given by the Hon'ble Division Bench judgment 259/2016 etc dated 10.03.2016

For Petitioner : Mrs.T. Hemalatha

For Respondents : Mr.M. Bindran,
Additional Government Pleader



ORDER

The case of the petitioner is that the petitioner was initially appointed as part time Panchayat Clerk in Vadavampadi Village Panchayat Union w.e.f. 01.10.1982 and thereafter the petitioner was appointed as Junior Assistant at Pandiampalayam Panchayat Union w.e.f. 01.02.1995. The Government in G.O.Ms.No. 39 Rural Development Department and Panchayat Raj, dated 13.06.2011 granted benefit of counting 50% to the employees of part time panchayat service. Subsequently, vide G.O.Ms.No. 77 Rural Development Department and Panchayat Raj, dated 12.07.2013 modified the said benefit by holding those employees who retire prior to the date of issuance of above Government Order are entitled to the benefit. The petition is also entitled to count his part time service between 01.10.1982 to 31.12.1990 for the purpose of granting pension along with 50% services rendered between 01.01.1991 till 31.01.1995 in the post of Panchayat Assistant and regular service from 01.02.1995 till 31.01.2019.

2. The learned counsel for the petitioner relied upon the decision of the Hon'ble Division Bench of this Court in W.A.No.259 of 2016, dated 10.03.2016, W.A.No. 2358 of 2021, dated 16.12.2021 and W.A.No. 612 of 2016, dated 24.06.2016, wherein, it has been categorically held that the employees who got absorbed as regular government servant prior to 01.04.2003 are entitled to count 50% of the services rendered by them as part time Panchayat Clerk should be taken into account while calculating the Pension.

3. The learned Additional Government Pleader has submitted that if the petitioner submits a fresh representation, the same will be considered by the 1st respondent and appropriate orders will be passed within a time frame as stipulated by this Court.

4. Heard both sides and perused the materials available on record.

5. Considering the submissions made by the learned Additional Government Pleader and in view of the decisions of the Hon'ble Division Bench of this Court cited supra, this Court is of the opinion that it would be appropriate to issue directions to respondents to consider the claim made by the petitioner and pass appropriate orders. Accordingly, the following directions are issued;

i. The petitioner is directed to make a fresh representation to the first respondent within a period of four weeks from the date of receipt of a copy of this order.

ii. On receipt of such representation, the 1st respondent is directed to consider the same and pass orders on its own merits and in accordance with law by taking note of the



orders passed by this Court in W.A.No.259 of 2016, dated 10.03.2016, W.A.No. 2358 of 2021, dated 16.12.2021 and W.a.No. 612 of 2016, dated 24.06.2016, within period of twelve weeks thereafter.

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6. With the above directions, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Principal Secretary to Government,
Rural Development & Panchayat Raj Department,
Fort St. George, Chennai- 600009.
- 2.The Director of Rural Development & Panchayat Raj,
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- 4.The Principal Accountant General (A & E) Tamil Nadu
No.361 Anna Salai,
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+1cc to Government Pleader SR. No. 24122

W.P.No. 5151 of 2021

SKM (CO)
PR (04/05/2022)