



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2022

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
AND
THE HONOURABLE TMT.JUSTICE N.MALA

W.A.NO.1980 OF 2018
&
C.M.P.NO.15774 OF 2018

- 1.The Government of Tamil Nadu,
Rep. by its
Principal Secretary to Government,
Rural Development and Panchayat Raj
Department,
Fort St. George, Chennai -9.
 - 2.The Principal Secretary to Government
Of Tamil Nadu,
Finance Department,
Fort St. George, Chennai -9.
 - 3.The Commissioner of Rural Development
And Panchayat Raj,
Panagal Building,
Saidapet, Chennai - 15.
 - 4.The District Collector,
Dindigul District, Dindigul. ...Appellants / Respondent
- Vs.
- 1.T.Shanmugasundaram ...Respondent / Petitioner
 - 2.The Accounts Officer,
The Principal Accountant General (A &E),
Tamil Nadu, No. 361, Anna Salai,
Chennai - 600 018. ...2nd Respondent / 5th Respondent

Prayer : Writ Appeal as against the order dated 01.09.2014 in
W.P.No.23539 of 2014.

Prayer in W.P.No. 23539 of 2014 : Writ petition filed under
Article 226 of the Constitution of India praying this Hon'ble
Court may be pleased to issue a Writ of Certiorarified Mandamus
or any other appropriate Writ, Order or Direction in the nature



of a Writ, to call for the records pertaining to paragraph 4(b) of G.O.Ms.No.77 Rural Development and Panchayat Raj Department dated 12.07.2013 of the first respondent and the earlier communication from the 5th respondent herein dated 19.06.2012 bearing No.Pen 2/VI/20206370/Rev/2012-13/ADK in so far relates to not counting the services rendered by the petitioner in part time Panchayat clerk along with regular service for the purpose of pension and direct the respondents to count 50% services rendered in the post of part time panchayat clerk from 01.09.1968 till 20.08.1985 along with regular service for the purpose of granting pension.

For Appellants : Mr.Stalin Abhimanyu
Addl. Govt. Pleader

For Respondents : Mr.V.Viswanathan for R1

For R2 : No Appearance

J U D G M E N T

S. VAIDYANATHAN, J. AND N. MALA, J.

The writ appeal is directed against the order dated 01.09.2014 passed in W.P. No. 23539 of 2014.

2. The first respondent filed the writ petition for issuance of a Writ of Certiorarified Mandamus to quash paragraph 4(b) of G.O.Ms. NO. 77 Rural Development and Panchayat Raj (PA4) Department dated 12.07.2013 of the 1st appellant and further to direct the appellants to count 50% of the services rendered by the first respondent in the post of part time Panchayat Clerk along with regular service for the purpose of granting pension. The learned Single Judge, following the earlier orders, allowed the writ petition and granted the relief as prayed for. Challenging the same, the present writ appeal has been filed by the Government.

3. When the writ appeal is taken up, it is brought to the notice of this Court that the issue involved is already covered by the decision of this Court rendered in W.A. No. 431 of 2016 dated 11.04.2016, which has been subsequently followed by various Coordinate Benches of this Court in W.A. No. 612 of 2016 (judgment dated 24.06.2016), W.A. No. 1111 of 2016 (judgment dated 22.03.2018) & W.A. No. 2358 of 2021 (judgment dated 16.12.2021) wherein it has been held that 50% of services rendered by an employee on consolidated pay by way of part time employment has to be taken into account for pensionary benefits.



4. Following the said judgments, the writ appeal stands dismissed. No costs. Connected C.M.P. is closed.

5. The appellants shall calculate the pension and other benefits payable to the 1st respondent and disburse the same to him within a period of four months from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar(CS-VII)

// True Copy //

Sub Assistant Registrar

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To

1.The Principal Secretary to Government,
Rural Development and Panchayat Raj
Department,
Fort St. George, Chennai -9.

2.The Principal Secretary to Government
Of Tamil Nadu,
Finance Department,
Fort St. George, Chennai -9.

3.The Commissioner of Rural Development
And Panchayat Raj,
Panagal Building,
Saidapet, Chennai - 15.

4.The District Collector,
Dindigul District, Dindigul.

5.The Accounts Officer,
The Principal Accountant General (A & E),
Tamil Nadu, No.361, Anna Salai,
Chennai - 600 018.

+1cc to the Government Pleader Sr.No.24553

W.A.No.1980 of 2018

MG(CO)
RVM(11/05/2022)