



WEB COPY

W.P.No. 40928 of 2016



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 40928 of 2016

S.Munisamy

... Petitioner

Vs.

1. The Government of Tamilnadu,
Rep.by the Secretary to the Government,
Revenue Department,
Secretariat,
Chennai-600009.

2. The Commissioner of Revenue Administration,
Chepauk, Chennai – 600005.

3. The District Collector,
Krishnagiri, Krishnagiri District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for the issuance of the Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the first respondent in Letter No. 19390/Pani 8(2)/2015-3, Revenue Department, dated 01.07.2016 and quash the same and direct the respondents to grant minimum pension to the petitioner in the post of Village Administrative Officer with effect from the date of his retirement, namely, 31-10-2011 with all consequential monetary benefits.

For Petitioner
For Respondents

: Mr. P. Mohanraj
: Mr. T.K. Saravanan
Government Advocate
for R1 to R3



ORDER

The writ on hand has been instituted to quash Letter No. 19390/Pani 8(2)/2015-3, Revenue Department, dated 01.07.2016, passed by the first respondent, restricting the benefit of pension from the date of the said letter.

2. The petitioner states that he was appointed as Village Karnam on 16.05.1980. Consequent to the abolition of the post of Village Karnam, with effect from 14.11.1980, the petitioner was relieved from the service and thereafter reappointed as Village Administrative Officer on 21.10.2005. The petitioner served as Village Administrative Officer till his date of superannuation on 31.10.2011. The Government granted a minimum pension to the retired Village Administrative Officer, who have not completed ten years of minimum service which is mandatory under the Tamil Nadu Pension Rules. The Government relaxed the rules in favour of those Officers who have not completed ten years of service in the post of Village Administrative Officer and granted minimum pension, and accordingly the writ petitioner was sanctioned with the minimum pension as per the Government Order in G.O.Ms.No.183.

3. The grievance of the writ petitioner is that the minimum pension is to be granted from the date of retirement but the authorities have



erroneously sanctioned the pension from the date of the said Government order. Thus, the petitioner is constrained to move the present writ petition.

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4. The impugned order issued by the first respondent in Letter No. 19390/Pani 8(2)/2015-3, Revenue Department, dated 01.07.2016 states that the pension was granted from the date of issuance of the Government Order.

5. This Court is of the considered opinion that the Government has extended the benefit of minimum pension to the retired Village Administrative Officers who have not completed ten years of service, while so, the said benefit is to be granted from their date of retirement. The minimum pension was extended to many such similarly placed Village Administrative Officers and while extending such benefits, it cannot be extended from the date of issuance of order and in such an event, it will result in discrimination amongst the Village Administrative Officer pensioners. Village Administrative Officer pensioners who have not completed ten years of service, form homogeneous class and there cannot be any discrimination in the matter of granting of minimum pension amongst the Village Administrative Officers, who all are eligible under the Special Government Order, granted in relaxation of the Tamil Nadu Pension Rules.



Thus, the pension has to be granted from the date of the retirement, instead of the date of issuance of the Government Order, which is impugned in the present writ petition.

6. The petitioner was allowed to retire from service on attaining the age of superannuation on 31.10.2011 and therefore, he is entitled to get the pension from 31.10.2011 onwards. Accordingly, the order impugned, passed by the first respondent in Letter No. 19390/Pani 8(2)/2015-3, Revenue Department, dated 01.07.2016, is quashed to the limited extent of restricting the pension from the date of issuance of the order and the respondents are directed to grant pension to the writ petitioner with effect from 31.10.2011 and settle the arrears of pension within a period of twelve weeks from the date of receipt of a copy of this order.

7. Accordingly, with these directions, this writ petition stands allowed.

No costs.

03.11.2022

mrn

Index : Yes / No

Speaking order / Non-Speaking order



To

1. The Secretary to the Government,
Revenue Department,
The Government of Tamilnadu

Secretariat,
Chennai-600009.

2. The Commissioner of Revenue Administration,
Chepauk, Chennai – 600005.

3. The District Collector,
Krishnagiri, Krishnagiri District.



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S.M.SUBRAMANIAM, J.

mrn

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