



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.9561 of 2014

M.Paranjothi

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep. by its Secretary,
Rural Development Department,
Fort St. George, Secretariat,
Chennai - 600 009.

2.The Director of Rural Development,
Panagal Building,
Saidapet, Chennai - 600 005.

3.The District Collector,
Thiruvannamalai District,
Thiruvannamalai.

4.The Block Development Officer,
Cheyyar,
Thiruvannamalai District.

5.The Accountant General,
No.361, Anna Salai,
Chennai - 600 015.

... Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India praying for an issuance of a Writ of Mandamus directing the respondents to pay the revised pension by calculating 50% of service of the petitioner as Part Time Panchayat Clerk from 01.08.1973 to 17.05.1985 at Thiruppanankadu Panchayat from the date of his retirement.

For Petitioner : Mr.N.Hariharan Nair
For Respondent : Mrs.S.Anitha
Nos.1 to 3 Special Government Pleader
For Respondent : No appearance
No.4
For Respondent
No.5 : Mrs.T.S.Selvarani



O R D E R

The relief sought for in the present writ petition is to direct the respondents to pay the revised pension by calculating 50% of the service of the writ petitioner as part time Panchayat Clerk from on 01.08.1973 to 17.05.1985 at Thiruppanankadu Panchayat.

2.The petitioner was appointed as part time Panchayat Clerk in Thiruppanakadu Panchayat on 01.08.1973. Subsequently, he was appointed as Junior Assistant by the District Collector on 17.05.1985 and voluntary retired from service as Extension Officer on 31.01.2008. The grievances of the writ petitioner is that the 50% of the service as part time Panchayat Clerk has not been taken into consideration for the purpose of reckoning the period of qualifying service for pensionary benefits.

3.As per the amended Rule 11 (4) of the Tamil Nadu Pension Rules, temporary services can be taken into consideration to the extent of 50%. However, part time services cannot be taken into consideration for the purpose reckoning the qualifying services. The Full Bench of this Hon'ble Court also settled the principles in this regard. As per the amended Rule 11 (4) of the Tamil Nadu Pension Rules, the part time services rendered by an employee cannot be taken into consideration for the purpose of counting of 50% of their services. Thus, the petitioner is not entitled for counting of the part time services for the purpose of reckoning the qualifying service for pensionary benefits in accordance with the Tamil Nadu Pension Rules and thus, the writ petition is devoid of merits.

4.Accordingly, the writ petition stands dismissed. No Costs.

Sd/-

Assistant Registrar(CS-CCC)

//True copy//

Sub Assistant Registrar

sms/sli

To

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



2. The Director of Rural Development,
Panagal Building,
Saidapet, Chennai - 600 005.

3. The District Collector,
Thiruvannamalai District,
Thiruvannamalai.

4. The Block Development Officer,
Cheyyar,
Thiruvannamalai District.

5. The Accountant General,
No.361, Anna Salai,
Chennai - 600 015.

+1cc to Government Pleader SR.No.34852

W.P.No.9561 of 2014

PMK(CO)
GMY(27/06/2022)