



W.P. No.33962 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 20.12.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.33962 of 2022

K.Palanisamy

... Petitioner

vs.

1.The State of Tamil Nadu,
rep. by its Principal Secretary to Government,
Revenue Department,
Secretariat,
Fort St. George,
Chennai – 600 009.

2.The Commissioner of Revenue Administration,
Chepauk,
Chennai – 600 005.

3.The District Collector,
Salem District,
Salem.

4.The Tahsildar,
Salem Taluk,
Salem.

5.The Principal Accountant General
(A&E) Tamil Nadu,
O/o.The Principal Accountant General,
361, Anna Salai,
Teynampet,
Chennai – 600 018.

... Respondents



W.P. No.33962 of 2022

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to pass orders granting minimum pension to the petitioner in the post of Village Administrative Officer as per G.O. Ms. No.756 Revenue [Service 8(2)] Department dated 17.08.1993 and in the light of orders passed in G.O. Ms. No.158 Revenue [Service 8(2)] Department dated 08.04.2015 from the date of retirement with all consequential and other attendant benefits including arrears of pensionary benefits along with interest, in consideration of last representation submitted by the petitioner dated 18.07.2022, within a time frame to be fixed by this Court.

For petitioner : Mr.G.Sankaran

For respondents : Mr.D.Ravichander,
Special Government Pleader
R1 to R4

Mr.V.Vijaya Shankar for R5

ORDER

The writ petition has been filed for a Mandamus seeking for a direction to the respondents to pass orders granting minimum pension to the petitioner in the post of Village Administrative Officer as per G.O. Ms. No.756 Revenue [Service 8(2)] Department dated 17.08.1993 and G.O. Ms. No.158 Revenue [Service 8(2)] Department dated 08.04.2015, from the date of retirement with all consequential and other attendant benefits, including arrears of pensionary benefits along with interest, in



W.P. No.33962 of 2022

consideration of last representation submitted by the petitioner dated 18.07.2022, within a time frame to be fixed by this Court.

2.The grievance of the petitioner in this writ petition is that G.O. Ms. No.756 Revenue [Service 8(2)] Department dated 17.08.1993 and G.O. Ms. No.158 Revenue [Service 8(2)] Department dated 08.04.2015 have not been implemented insofar as the petitioner is concerned. Due to the abolition of the post of Village Munsif, the petitioner was appointed as Village Administrative Officer in the year 2006 though he was appointed as a Village Munsif prior to 14.11.1980. As per the aforementioned G.Os, minimum pension has to be granted to the petitioner. According to the petitioner, till date the same has not been granted. In such circumstances, he has given a representation. The petitioner also claims that similarly placed persons have had the benefit of the aforementioned G.Os pursuant to directions given by this Court on 27.10.2009 passed in W.P. No.3075 of 2009. The petitioner seeks for a similar relief.



W.P. No.33962 of 2022

3. Heard Mr.G.Sankaran, learned counsel for the petitioner, Mr.D.Ravichander, learned Special Government Pleader, who accepts notice on behalf of the respondents 1 to 4 and Mr.V.Vijaya Shankar, learned counsel, who accepts notice on behalf of the fifth respondent.

4. At this stage, a positive direction cannot be issued to the respondents. Only limited relief that can be granted to the petitioner is to direct the respondents to consider his representation, on merits and in accordance with law in the light of aforementioned G.Os as well as the aforementioned order dated 27.10.2009 passed by this Court in W.P. No.3075 of 2009.

5. No prejudice would be caused to the respondents if such a direction is issued by this Court.

6. For the foregoing reasons, this Court directs the third respondent to pass final orders, on merits and in accordance with law on the petitioner's representation dated 18.07.2022 seeking for implementation of G.O. Ms. No.756 Revenue [Service 8(2)] Department dated



W.P. No.33962 of 2022

17.08.1993 and G.O. Ms. No.158 Revenue [Service 8(2)] Department dated 08.04.2015 in his favour by granting him minimum pension and also by paying the other attendant benefits including arrears of pension from the date of his retirement in the light of the order dated 27.10.2009 passed by this Court in W.P. No.3075 of 2009, within a period of twelve weeks from the date of receipt of a copy of this order.

7.The petitioner is directed to send a copy of the order dated 27.10.2009 passed by this Court in W.P. No.3075 of 2009, which he relies upon to the respondents forthwith for the positive implementation of this order.

8.With the aforesaid directions, the writ petition stands disposed of. No costs.

20.12.2022

Index: Yes/No
vga



WEB COPY



W.P. No.33962 of 2022

ABDUL QUDDHOSE, J.

vga

To

- 1.The State of Tamil Nadu,
rep. by its Principal Secretary to Government,
Revenue Department,
Secretariat,
Fort St. George,
Chennai – 600 009.
- 2.The Commissioner of Revenue Administration,
Chepauk,
Chennai – 600 005.
- 3.The District Collector,
Salem District,
Salem.
- 4.The Tahsildar,
Salem Taluk,
Salem.
- 5.The Principal Accountant General
(A&E) Tamil Nadu,
O/o.The Principal Accountant General,
361, Anna Salai,
Teynampet,
Chennai – 600 018.

W.P.No.33962 of 2022

20.12.2022