



W.P.(MD)No.2036 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.2036 of 2020
and
W.M.P(MD)No.1697 of 2020

V.S.Deivasigamani

... Petitioner

Vs.

- 1.The State of Tamil Nadu
Rep. by the Secretary,
Department of Revenue Administration,
St. George Fort,
Secretariat,
Chennai.
- 2.The Commissioner of Revenue Administration,
Chepauk,
Chennai - 5.
- 3.The District Revenue Officer
O/o. the District Revenue Officer,
Collectorate Campus,
Ramanathapuram District.



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4.The Sub Collector
Paramakudi,
Ramanathapuram District.

5.The Tahsildar
Paramakudi Taluk Office,
Paramakudi,
Ramanathapuram District.

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in Moo.Mu.A5/692/2016 dated 05.02.2016 of respondent No.4 and consequential impugned order in Na.Ka.No.A4/29662/18 dated 28.07.2018 on the file of the Respondent No.3 and quash the same as illegal and consequently directing the Respondents to count the petitioner's service as Village Administrative Officer from 09.08.1982 to 30.08.1986 also as qualifying service for Pensionary/Retirement benefits and to settle the retirement benefits for the said period together with accrued interest.

For Petitioner : Mr.S.Karthik

For Respondents : Mrs.Christy Theborus
Additional Government Pleader



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ORDER

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This Writ Petition has been filed to quash the impugned order in Moo.Mu.A5/692/2016 dated 05.02.2016 of respondent No.4 and consequential impugned order in Na.Ka.No.A4/29662/18, dated 28.07.2018 on the file of the Respondent No.3 as illegal and consequently directing the Respondents to count the petitioner's service as Village Administrative Officer from 09.08.1982 to 30.08.1986 also as qualifying service for Pensionary/Retirement benefits and to settle the retirement benefits for the said period together with accrued interest.

2. The learned counsel for the Petitioner submitted that the petitioner was originally appointed as Village Karnam at Pullandai Village, Ramanathapuram Taluk on 01.07.1974. Subsequently, his post was made permanent by the respondents on 08.09.1975. Thereafter, he was transferred as Village Karnam at Ikkakudi Village on 08.09.1975. While he was holding the post of Village Karnam from 01.07.1974 to 14.11.1980, he obtained salary from 15.11.1980 to 15.04.1982. While so, on 14.11.1980 the said post of Village Karnam was abolished by the

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ordinance issued by the State Government and thereafter, those persons who are eligible to be considered for the post of Village Administrative Officer, has been considered through competitive selection. The petitioner participated in the interview for the post of VAO in the year 1982. But inadvertently, the petitioner was not selected on the ground that he was imposed with a fine amount of Rs.20/- when he was holding the post of Village Karnam for not disclosing the arrears of Vettians (now called as Village Assistant). For denying the candidature of the petitioner, the petitioner filed a writ petition in W.P.No.7358 of 1982 before this Court seeking to consider him for the post of VAO and pursuant to the order passed by this Court, the petitioner has joined in the VAO training on 31.08.1986 and the appointment order was issued on 13.10.1986 vide proceedings of the RDO, Paramakudi and he rendered unblemished service in the post of VAO, till 30.04.2010 and he reached the superannuation on 30.04.2010. The petitioner receiving pension calculating his service right from 1986 instead of 1982. After retirement, the petitioner made a representation dated 18.06.2015 to count his service from 09.08.1982 to 30.08.1986 for the purpose of pension and



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other benefits and the said representation was recommended by the Tahsildar/fifth respondent on 18.12.2015. However, the District Collector/ fourth respondent passed rejection order on 05.02.2016. Against which, the petitioner preferred further appeal before the District Revenue Officer / third respondent and on 28.07.2018, the District Revenue Officer also confirmed the order passed by the District Collector / fourth respondent. The impugned orders passed by the respondents 3 and 4 are arbitrary and without application of mind and unsustainable one. Challenging the said rejection order, the present writ petition is filed.

3. The learned counsel for the petitioner further submitted that though the petitioner is entitled to get monetary benefits right from the year 1982, denying the request of the petitioner for counting his service from 1982 to 1986 is not sustainable one and the order passed by the respondents 3 and 4 is necessarily to be interfered. Accordingly, he prayed to allow the writ petition.



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4. Per contra, the learned Additional Government Pleader submitted that the petitioner was not selected by the screening committee as he was imposed with a fine of Rs.20/-. Thereafter, the petitioner filed a writ petition in W.P.No.7358 of 1982 and on the basis of the order passed by this Court, he was appointed as a VAO on 13.10.1986 and retired on superannuation on 30.04.2010. The petitioner's service has been regularized from 13.10.1986 as per the proceedings of the Revenue Divisional Officer, Paramakudi. The petitioner did not prefer any appeal before the authority regarding his regularisation of service and also for the seniority fixation. Therefore, the petitioner's belated request for the pay arrear and service seniority from 01.08.1982 to 31.08.1986 without any valid document, is not acceptable. This writ petition is misconceived and devoid of merits and hence, prayed for dismissal.

5. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.

6. The facts in the present case are not in dispute. Prior to



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abolition of the Village Karnam post, the petitioner joined service in the year 1974 and he employed as Karnam in the year 1980. Due to abolition of Karnam post, the selection of VAO begin in the year 1980. It is also an admitted fact that the petitioner participated in the selection process of VAO. However, his candidature was rejected on the ground that the petitioner was imposed with a penalty of Rs.20/-. Challenging the same, the petitioner filed a writ petition before this Court in W.P.No. 7358 of 1982 and the said writ petition was allowed. Pursuant to the order passed by this Court, the petitioner was appointed on 13.10.1986 and his service regularized on the same day. It is also an admitted fact that the petitioner retired from service on 30.04.2010 and after a lapse of five years of the retirement, the petitioner made a representation to calculate the service from 01.08.1982 to 30.08.1986 for the purpose of monetary benefits and pensionary benefits. However, no reason was adduced for the delay in making the representation to calculate the service. The fact remains no appointment order was produced before this Court, as if the petitioner was appointed in the year 1982 and after appointment his candidature was rejected. In fact, the petitioner has



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participated in the selection process of VAO, however, his candidature was not considered at the relevant point of time. Thereafter, his candidature was considered and appointment order was issued only on 13.10.1986 and further, the petitioner retired on 30.04.2010. After lapse of five years, the petitioner made a representation in the year 2015 to calculate his service right from the year 1982 to 1986, which is impermissible one, unless the petitioner worked in the particular post, he is not entitled for any benefits. Hence, the prayer sought for in this writ petition cannot be granted and this Court has no reason to call for interference with the impugned orders.

8. Accordingly, the writ petition is dismissed. No Costs.

Consequently, connected miscellaneous petition is closed.

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Internet : Yes / No
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To

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M.DHANDAPANI,J.

RM

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