



W.P.(MD)No.15071 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.(MD)No.15071 of 2022

K.Mookkiah

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Tahsildar,
Srivilliputhur,
Virudhunagar District.

3.The Tahsildar,
Vathirairuppu,
Virudhunagar District.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus to direct the respondents to revise pension proposal calculating half of the services



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put in by the petitioner as Village Assistant from 05.01.1985 to 01.06.1995 and full period from 01.06.1995 to 31.10.2019 along with the period worked as Office Assistant from 01.11.2019 to 31.03.2021 within a specified time frame that may be fixed by this Court by considering the representation dated 22.03.2022 of the petitioner.

For Petitioner : Mr.T.S.Mohamed Mohideen

For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

This Writ Petition has been filed to direct the respondents to revise the pension proposal calculating half of the services put in by the petitioner as Village Assistant from 05.01.1985 to 01.06.1995 and full period from 01.06.1995 to 31.10.2019 along with the period worked as Office Assistant from 01.11.2019 to 31.03.2021 within a specified time frame fixed by this Court by considering the representation of the petitioner dated 22.03.2022.



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2. The learned counsel appearing for the petitioner submits that the petitioner was appointed as Village Assistant on 05.01.1985 and he was brought under time scale of pay with effect from 06.07.1995. On 01.11.2016, he was promoted to the post of Office Assistant and retired from service on 31.03.2021 on attaining the age of superannuation. He served as Office Assistant from 01.11.2019 to 31.03.2021. The total period of his service as Village Assistant before he was brought under the time scale of pay was from 05.01.1985 to 06.07.1995. However, without giving the benefit to this long service, his pension was wrongly calculated taking into consideration the period of 13 years, 7 months and 15 days. The respondents should have taken into account 24 years of regular service of the petitioner as Village Assistant and one year five months of his service as Office Assistant. 50% of service as Village Assistant from 05.01.1985 to 06.07.1995 should also have been added for computing the pension and the service of the petitioner that would come around more than 30 years of service. In this regard, the petitioner has submitted a representation dated 22.03.2022. However, there is no response from the respondents. Hence, the present writ petition has been



3. Mr.M.Siddharthan, learned Additional Government Pleader takes notice for the respondents and submits that the representation of the petitioner would be considered.

4. From the facts narrated above, it is seen that the petitioner was appointed as Village Assistant during the year 1985 and he was brought under the time scale of pay on 06.07.1995. Thereafter, he was promoted as Office Assistant on 01.11.2016. It is apparent from the records that the service of the petitioner as Village Assistant from the date of his appointment and the period after he was brought under the time scale of pay, was not considered, while calculating the pension. The claim of the petitioner is that his service as Village Assistant, Office Assistant and 50% of his service from the date of appointment till the date when he was brought under the time scale of pay should be considered for fixing the period of service and for computing the pension. Hence, there is some merit in the claim of the petitioner.



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Therefore, the respondents are directed to consider the representation of the petitioner, dated 22.03.2022 and pass appropriate orders within a period of 12 weeks from the date of receipt of a copy of this order.

5. Accordingly, the Writ Petition stands disposed of. No costs.

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Internet: Yes
Index : Yes/No
ssb

To

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