



WP(MD)No.7811 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **18.07.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE M.S.RAMESH**

W.P.(MD)No.7811 of 2018
and W.M.P.(MD)Nos.7386 of 2018 & 1547 of 2021

R.Mathivanan

... Petitioner

/vs./

1.The District Collector,
Karur District,
Dindigul Road,
Thanthoni Malai Post,
Karur – 639 007.

2.The Principal Accountant General,
(Account and Entitlements)
Tamil Nadu, 361, Anna Salai,
Teynampet, Chennai – 600 018.

3.The Revenue Divisional Officer,
Karur Division,
Narashimmapuram North,
Karur Town and Taluk,
Karur District – 639 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the District Collector, Karur District, Karur, the first respondent herein made in Na.Ka.No.2/6024/2017 dated 12.10.2017, in



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confirming the proceedings of the Principal Accountant General (Accounts and Entitlements), Tamil Nadu, Chennai the second respondent herein made in proceeding No.Pen.26/3/12621070/Rtd/ADK/204 dated 11.01.2016 quash the same and direct the second respondent herein to sanction Special Pension to the petitioner with effect from 05.12.1996 as has been given to similarly placed VAO's namely 1) Mr.M.Suburaj and 2) Mr.S.P.Shanmugam in Karur District and continue to pay the future pension and disburse all the arrears due to the petitioner within a short date that may be fixed by this Court.

For Petitioner : Mr.K.Abiya
for Mr.K.Rajkumar

For Respondents : Mr.M.Siddharthan,
Additional Government Pleader for R1 & R3
Mr.P.Gunasekaran,
Standing Counsel for R2

ORDER

The petitioner herein was originally appointed as Village Karnam on 19.07.1973, which post he continued to hold by 14.11.1980. On abolition of the said post, he was again reappointed as Village Administrative Officer (VAO) on 04.11.2005 and subsequently, retired from service on 31.08.2011. The petitioner's request for sanction of special pension with effect from 05.12.1996, on the ground that the similarly placed VAOs, who were juniors to him were being granted special pension, came to be rejected by the first respondent herein, by



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referring to the objection of the second respondent herein viz., the Principal Accountant General, Chennai.

2. It is not in dispute that the identically placed VAOs, who had originally served as Village Karnam / Talaiyari and reappointed as VAOs, were sanctioned with the special pension in accordance with the Government Orders including G.O.(Ms).No.756, Revenue Department dated 17.08.1993, G.O.(Ms)No.828, Revenue (E.SPL.1) Department, dated 23.08.1996, G.O.(Ms)No.294, Revenue Department, dated 30.09.2001, G.O.(Ms)No.370, Revenue (Services 7(i)) Department, dated 22.06.2005, etc.

3. Today when the matter was called, Mr.P.Gunasekaran, learned Standing Counsel for the second respondent herein, on instructions, fairly submitted that since the petitioner herein was originally employed as Village Karnam and subsequently, reappointed as VAO, he would be entitled for the special pension, since such a benefit was extended to similarly placed Village Karmans.

4. The rejection of the petitioner's claim for special pension by the first respondent was predominantly on the objection of the second respondent. Now



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since the second respondent themselves had fairly conceded that the petitioner would be entitled for special pension, the order impugned in the present writ petition requires interference.

5. Accordingly, the impugned order dated 12.10.2017, on the file of the first respondent, confirming the proceedings of the second respondent dated 11.01.2016, is quashed. Consequentially there shall be a direction to the third respondent herein to send revised proposal to the second respondent herein for payment of special pension, in accordance with the various Government Orders governing the issue in hand and on receipt of the same, the second respondent herein shall pass orders disbursing the special pension to the petitioner herein, based on the third respondent's proposal within a period of four (4) weeks from the date of receipt of copy of this order.

6. This writ petition stands allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

vsm

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Index : Yes / No

Internet : Yes / No



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M.S.RAMESH, J.

vsm

Order made in
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Dated:
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