



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.02.2022

CORAM

THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.P. (MD)No.11820 of 2015

and

M.P. (MD)No.1 of 2015

1.S.Pandi (Died)

2.P.Maragatham
(Petitioner No.2 impleaded, vide Court
**order, dated 23.02.2022, in W.M.P. (MD)
No.2566 of 2022 in W.P. (MD)No.11820
of 2015)**

... Petitioners

vs.

1.The State of Tamilnadu,
represented by its Principal Secretary to Government,
Rural Development Department, Chennai.

2.The Commissioner,
Rural Development and Panchayathraj Department,
Panangal Building, Saidapet,
Chennai-15.

3.The Accountant General,
(Accounts and Entitlements Tamilnadu),
361, Anna Salai, Chennai-78.

4.The District Collector,
Ramanadhapuram District,
Ramanadhapuram.

5.The Block Development Officer,
Kadaladi, Ramanadhapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the impugned notice issued by the 5th respondent



under the proceedings நா.க.அ1/947/2010, dated 10.06.2010 and to quash the same as ultra virus, illegal, without jurisdiction and not valid in law and consequently to direct the respondents herein to forthwith re-fix the petitioner's pension by counting the Two year training period from 01.08.1960 to 31.07.1962 spent by him in the rural extension training centre at Aduthurai as qualifying service for pension and pay arrears of pension and other benefits with due interest.

For Petitioners : Mr.M.Ponniah

For R1, R2 and R4 : Mr.N.Ramesh Arumugam
Government Advocate (Civil side)

For R3 : Mr.P.Gunasekaran

For R5 : Mr.R.Anandharaj

O R D E R

This Writ Petition is filed for issuance of a Writ of Certiorarified Mandamus, to quash the impugned notice issued by the 5th respondent under the proceedings நா.க.அ1/947/2010, dated 10.06.2010 and consequently to direct the respondents herein to forthwith re-fix the first petitioner's pension by counting the Two year training period from 01.08.1960 to 31.07.1962 spent by him in the rural extension training center at Aduthurai as qualifying service for pension and pay arrears of pension and other benefits with due interest.

2.The first petitioner was appointed on Gramasevak in the year 1960. He underwent two years training period from 01.08.1960 to 31.07.1962 and was appointed as Gramasevak Grade II, now known as Rural Welfare Officer Grade II and promoted as Extension Officer and has retired from service.

3.The contention of the first petitioner is that his training period is eligible to include in his pensionable service. The learned Counsel appearing for the petitioners relied on G.O.Ms.No.85, Rural Welfare (E7) Department, dated 10.07.2002. He also submitted that based on this G.O. similarly placed persons have also received the benefit by refixing their period of pensionable service.

4.The respondents have not filed any counter affidavit but, contended that certain persons are eligible under G.O.Ms.No.85, Rural Welfare (E7) Department, dated 10.07.2002, their service records ought to be scrutinized whether the first petitioner is



eligible under the said G.O.

5. Therefore, this Court is of the considered view that without going into the merits of the case, the first respondent is directed to consider the claim of the petitioner in the light of G.O.Ms.No.85, Rural Welfare (E7) Department, dated 10.07.2013 and G.O.Ms.No.367, Rural Welfare (PA) Department, dated 30.12.1997 and pass an order within a period of 4 weeks from the date of receipt of a copy of this order. The second petitioner (wife of deceased employee Mr. Pandi) is directed to submit a representation along with the copy of this order to the respondents.

6. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

Tmg

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

1. The Principal Secretary to Government,
Rural Development Department, Chennai.
2. The Commissioner,
Rural Development and Panchayathraj Department,
Panagal Building, Saidapet, Chennai-15.
3. The District Collector,
Ramanadhapuram District, Ramanadhapuram.

- +1 CC to M/s.R.ANANDHARAJ, Advocate (SR-8442[F] dated 24/02/2022)
+1 CC to M/s.M.PONNIAH, Advocate (SR-8227[F] dated 23/02/2022)
+1 CC to M/s.SPL GP (SR-8320[F] dated 24/02/2022)

W.P. (MD)No.11820 of 2015
23.02.2022



MGJ (24.03.2022) 4P 7C

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