



WP.No. 10018 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **13.03.2023**

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No. 10018 of 2016

and

WMP.Nos. 8974 & 8975 of 2016

D. Sundararaman

...Petitioner

Versus

1. The Secretary to Government
Revenue (Service - 8(2) Department
Fort St. George, Chennai- 600 009.
2. The Special Commissioner
Revenue Administration,
Chepauk, Chennai - 600 005.
3. The District Collector
Krishnagiri District, Krishnagiri.
4. The Revenue Divisional Officer
Krishnagiri, Krishnagiri District.

...Respondents

Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the entire records relating to the impugned G.O. issued by the 1st respondent in G.O.Ms.No. 158, Revenue (Service - 8(2) Department, dated 08.04.2015 insofar relates to sanction of the minimum pension from the date of G.O. and quash the same and consequently direct the respondents to disburse the arrears of the



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minimum pension by calculating the minimum pension, by taking note from the date of the petitioner's retirement till 08.04.2015.

For Petitioner : Mr.C.Prakasam

For Respondents : Mrs.Meera Arumugam
Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned G.O. issued by the first respondent in G.O.(Ms).No.158, Revenue (Service - 8(2) Department, dated 08.04.2015 insofar it relates to sanction of the minimum pension from the date of G.O., quash the same and consequently direct the respondents to disburse the arrears of the minimum pension, by calculating the minimum pension, by taking note of the date of the petitioner's retirement till 08.04.2015.

2. The grievance of the petitioner is that he was working as Village Munsif and Karnam on temporary basis before 1980 and he has approached the Tamil Nadu State Administrative Tribunal and filed original application to absorb him as Village Administrative Officer



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(VAO), since in the year 1981, the Government of Tamil Nadu recruited Village Administrative Officers through the Tamil Nadu Public Service Commission [TNPSC]. As per the Tribunal's Order, he was appointed as VAO in the year 2001 and thereafter, he was allowed to retire from service on attaining the age of superannuation on 28.02.2010. However, the Government of Tamil Nadu has issued G.O. for sanctioning minimum pension for Village Administrative Officers, who have not completed 10 years of service. Accordingly, the Village Administrative Officers who retired from service, have been calculated from the date on which they have lost their job on 14.11.1980, till their retirement and sanction of the minimum pension and as per the said Government Order, the Village Administrative Officers who have been receiving pension from the date they lost their job on 14.11.1980 and these Village Administrative Officers, after losing their job, were benefited by calculating the pension service period from 14.11.1980, even though they were re-appointed during the year 2000-2001. Some of the Village Administrative Officers, who were not benefited by the above said G.O., have not received minimum pension on the ground that they have not rendered 10 years of services for getting minimum pension, and hence, they approached this



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Court in W.P.No.2648 of 2007 by order dated 20.02.2007 and obtained orders for sanctioning minimum pension. The government after considering their grievances, issued G.O.Ms.No.148, Revenue Department, dated 20.04.2011, whereby sanctioning the minimum pension for 199 earlier retired Village Administrative Officers, who have also not completed 10 years of service. Based on the request made by the 224 Ex-Village Administrative Officers, the second respondent forward their recommendation to the first respondent for sanctioning the minimum pension to the said 224 retired Village Administrative Officers, who were not completed 10 years of service and also who have not approached this Court. Accordingly, the Government considered the said recommendation made by the second respondent, as well as the retired Village Administrative Officers and issued G.O.Ms.No. 158, Revenue (Ser.-8(2), Department, dated 08.04.2015, whereby minimum pension was sanctioned to the 184 Village Administrative Officers, who have been appointed as Village Administrative Officers prior to 2003, but subsequently, they have retired from service without completing 10 years of service by relaxing the Pension Rules. When the first respondent sanctioned the minimum pension to the said 184 Village Administrative Officers including the



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petitioner and thereby, the first respondent fixed the time for getting minimum pension from the date of issuance of the above said G.O. dated 08.04.2015. The Government sanctioned minimum pension to the Village Administrative Officers, who have not completed 10 years of service and they were sanctioned minimum pension from the date, they retired from service and also as per this Court's order, 199 retired Village Administrative Officers, who have not completed 10 years of service, received arrears of pension by calculating the minimum pension from their retirement date. But, the petitioner's case alone was omitted and the first respondent issued G.O. and fixed the date for sanctioning pension from the date of issuance of G.O. on 08.04.2015 and not from the date of retirement, which shows that the Government had adopted discrimination among the retired Village Administrative Officers. Hence, the petitioner has come forward with the present writ petition under Article 226 of the Constitution of India.

3. Counter affidavit has been filed on behalf of the fourth respondent wherein it is stated that the petitioner was working as Village Administrative Officer of Mittahalli Village in Krishnagiri Taluk and



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District, and the petitioner retired from service on 28.02.2010. The total service of the petitioner is only 8 years. The petitioner was originally working as Village Karnam and the post of Village Karnam was abolished by the Government on 14.11.1980. The petitioner was selected and appointed as Village Administrative Officer and one Kaliappa Gounder Pudur in Coimbatore District, who joined on 13.06.2001, retired from service on 28.02.2010. The petitioner was sanctioned pension for the period of his service from 13.06.2001 to 28.02.2010. The petitioner claims minimum pension from the date of his retirement as Village Administrative Officer. In this connection, it is submitted that by G.O.(Ms).No.158, Revenue (Serv.8(2) Department, dated 08.04.2015, the Government have ordered that the erstwhile Village Administrative Officers who have lost their job on 14.11.1980, were again re-appointed as Village Administrative Officer, on merits and they have joined as Village Administrative Officers prior to the date 01.04.2003 who have not completed 10 years of service, are eligible for minimum pension. In this case, the petitioner had retired from service on 28.02.2010, without even putting service of 10 years. In the instant case, the said Government Order is not applicable to the petitioner. Further, it is the policy decision of the



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Government and the petitioner cannot question the policy decision of the Government and the petitioner has no right to interfere in the administrative decision of the Government.

4. Further, the persons referred to in the above said Government Order, were not sanctioned minimum pension and these persons have put very only meager service and their pension is also very meager. Hence, the Government has taken a sympathetic view by the Government Order and the Government sanctioned pension from the date of termination from their job on 14.11.1980. But the petitioner was appointed in the time scale of pay and enjoyed full benefits and correct pension has been sanctioned to the petitioner with effect from 08.04.2015, as per G.O.Ms.No. 158, Revenue (Ser.8(2) Department dated 08.04.2015. Therefore, the above writ petition is liable to be dismissed.

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

6. On a perusal of the petition averments as well as the counter



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affidavit, it is seen that the Division Bench of this Court, by order dated 20.02.2007 in W.P.No. 2648 of 2007 directed the respondents to grant the minimum pension to the petitioner, expeditiously, preferably within two months from the date the petitioner makes necessary application.

7. It is also seen that the Principal Secretary to Government, sent a letter No.27119/Ser.8(2)/07-9, dated 20.09.2008 stating that by G.O.Ms.No.1287, Revenue Department, dated 06.07.1988 Government have directed that the District Employment Exchanges should maintain separate registers for the ex-village officers who had passed SSLC subsequent to 20.02.82 for the post of Village Administrative Officers and sponsored their names for the purpose of their appointment under Rule 10(a) (i) of the General Rules framed under the Tamil Nadu State and Subordinate Service Rules, whenever Collectors have called for the names to fill up the vacancies in the cadre of Village Administrative Officers. In the G.O.(Ms).No.756, the ex-Village Officers who have been retrenched on 14.11.1980, and who are qualified for the post of Village Administrative Officer, but they have not even completed 10 years of service in the post of VAO, which will be considered for pension and



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directed that instead of calculating the period of service from the date of appointment of Village Administrative Officer, their period of service was considered from 14.11.80, which should be taken into account, and as such, the minimum pension was ordered thereon.

8. In this case, the said Government Order is not applicable to the case of the petitioner as it is the policy decision of the Government and the petitioner cannot question the policy decision of the Government and the petitioner has no right to interfere in the administrative decision of the Government. Moreover, the persons referred to the above said GO were not sanctioned minimum pension and three persons who have put in a very meager service, their pension is also very meager. Hence, the Government have taken a sympathetic view and the pension was sanctioned from the date of their termination from their job on 14.11.1980. But the petitioner was appointed in the time scale of pay and he enjoyed full benefits and correct pension has also been sanctioned to the petitioner with effect from 08.04.2015 as per GO.Ms.No.158, Revenue (Ser.8(2), Department dated 08.04.2015.



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9. It is submitted that the petitioner was Village Karanam appointed prior to the year 1980. After abolition of the post of Village Karnam/Munsiff on 14.11.1980 by the Government, the petitioner was again appointed as Village Administrative Officer as per the orders of this Court. As per the said order of this Court, the Government appointed the erstwhile eligible Village Administrative Officers. Later on, the Government issued GO.Ms.No.148 (Ser.8(2) Revenue Department, dated 20.04.2011, it ordered to sanction pension to the said persons from the date on which they were ousted from service. In the said G.O.Ms.No.158, dated 08.04.2015, 184 persons were sanctioned minimum pension was very meager due to their less qualifying service and they were not sanctioned minimum pension.

10. However, the said Government Order is not applicable to the instant case. The petitioner is being paid minimum pension with effect from 08.04.2015 as per G.O.(Ms).No. 158, Revenue (Ser.8(2) Department, dated 08.04.2015.



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11. Therefore, the petitioner's main prayer to sanction minimum pension from the date of his retirement. In this connection, it is submitted that it is a policy decision of the Government and hence, the petitioner cannot question the policy decision of the Government.

12. Therefore, the question of invoking Article 226 of the Constitution of India, does not arise, as the petitioner was originally appointed as Village Karnam and after abolition of the post of Karnam by the Government on 14.11.1980, the petitioner lost his job and the petitioner was re-appointed as Village Administrative Officer. Therefore, the petitioner rendered service as Village Administrative Officer, only for about 8 years. The petitioner was paid pension for the above period as per law and the Rules in existence. However, the Government Order in G.O.Ms.No.158, 08.04.2015 took a sympathetic view and minimum pension was sanctioned with effect from 08.04.2015. The petitioner prayer is to sanction pension from 01.03.2010 till the date of retirement of the petitioner. Hence, the prayer of the petitioner is non-est in law.



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13. Further, sanction of minimum pension is only a policy decision of the Government. The petitioner cannot question the policy decision of the Government and hence, the petitioner has no right to interfere with the administrative matters of the Government.

14. Therefore, no interference is required in the impugned order passed by the first respondent. Hence, the above writ petition is liable to be dismissed.

15. Accordingly, the writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

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Index by : Yes/No

Speaking Order : Yes/No

Neutral Citation : Yes/No



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