



Writ Petition No.2099 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.2099 of 2023

and

W.M.P.No.2189 of 2023

N.K.Ramamoorthy
S/o.Krishnasami

... Petitioner

Vs.

1.The State of Tamil Nadu
represented by its
Secretary to Government,
Rural Development Department,
Secretariat, Fort St.George,
Chennai - 600 009.

2.The Director of Rural Development,
Panagal Malagai,
Saidapet, Chennai - 600 015.

3.The District Collector,
Kallakurichi District,
Kallakurichi - 606 213.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India,
seeking for a Writ of Certiorarified Mandamus calling for the records
regarding G.O.Ms.No.77, Rural Development Department, dated



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12.07.2013 on the file of the first respondent and quash the same and direct the respondents to provide the pension to the petitioner as per G.O.Ms.No.39, Rural Development Department, dated 13.06.2011.

For Petitioner : Mr.S.Jaganathan

For Respondents : Mr.Ru.Dinesh Rajkumar
Additional Government Pleader

ORDER

This writ petition has been filed challenging G.O.Ms.No.77, Rural Development Department, dated 12.07.2013 issued by the first respondent and for a consequential direction to the respondents to pay pension to the petitioner as per G.O.Ms.No.39, Rural Development Department, dated 13.06.2011.

2. Heard Mr.S.Jaganathan, learned counsel for the petitioner and Mr.Ru.Dinesh Rajkumar, learned Additional Government Pleader, appearing for respondents.

3. It is seen from records that the petitioner joined the services as a part time Panchayat Clerk in the year 1975 and he retired from service



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on 31.01.2008. The grievance of the petitioner is that the period from 01.07.1975 to 31.12.1990 was not taken into consideration at the time of computation of pension. According to the petitioner, G.O.Ms.No.77, Rural Development Department, dated 12.07.2013, was issued wherein counting of 50% of service in the case of part time Clerk was withdrawn and hence, the same has been put to challenge in this writ petition.

4. In the considered view of this Court, the present writ petition is liable to be dismissed on the ground of laches. The petitioner retired from service as early as in the year 2008. The petitioner is challenging a Government order that was issued in the year 2013, after nearly 10 years, just by giving a representation to the respondents on 05.12.2022. The petitioner is already aged about 72 years and he is out of service for more than 15 years. The settled position regarding the service of the petitioner, cannot be unsettled by taking into consideration the representation that was given by the petitioner in the year 2022. In any case, the present writ petition is hit by laches.



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In view of the above, this Writ Petition stands dismissed as devoid of merits. No costs. Consequently, connected miscellaneous petition is closed.

30.01.2023

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order

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To

- 1.The Secretary to Government,
Rural Development Department,
Secretariat, Fort St.George,
Chennai - 600 009.
- 2.The Director of Rural Development,
Panagal Malagai,
Saidapet, Chennai - 600 015.
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