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W.P.No.29974 of 2011



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.06.2023

Coram

The Honourable Mr.Justice J.SATHYA NARAYANA PRASAD

**W.P.No.29974 of 2011
and M.P.No.2 of 2011**

P. Govindasamy

...Petitioner

Versus

1. The State of Tamil Nadu
Rep.by the Secretary to Government
Rural Development Department,
Secretariat,
Chennai 600 009.
 2. The Director of Rural Development
Panagal Building,
Saidapet,
Chennai 600 015.
 3. The District Collector
Vellore.
 4. The Director (I)
Local Fund Audit
Kuralagam,
Chennai – 600 108.
- ...Respondents

Writ Petition filed under Article 226 of the Constitution of India
praying for issuance of a writ of certiorarified mandamus to call for the



records on the file of the respondents 4 and 5 in connection with the orders passed by them in their Proc.P3/II/G110-1074/Rtd/07-08/R10 dated 16.05.2008 and Moo.Mu.No.01/6128/2010 dated 23.04.2010 respectively and quash the same and direct the respondents to pay all the pensionary benefits, namely arrears of pension, monthly pension, commutation of pension and gratuity with effect 01.08.2001 with 18% interest per annum and cost.

For Petitioner : Mr.R.Singaravelan
Senior Counsel for
Ms.M.Srividhya
For Respondents : M/s.Hema Muralikrishnan for R4
Mr.S.Silambannan
Additional Advocate General
Asst.by Mr.S.Ravikumar
Special Government Pleader

ORDER

This writ petition has been filed to call for the records on the file of the respondents 4 and 5 in connection with the orders passed by them in their Proc.P3/II/G110-1074/Rtd/07-08/R10 dated 16.05.2008 and Moo.Mu.No.01/6128/2010 dated 23.04.2010 respectively and quash the same and direct the respondents to pay all the pensionary benefits, namely arrears of pension, monthly pension, commutation of pension and gratuity with effect 01.08.2001 with 18% interest per annum and cost.



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2. The case of the petitioner is that the petitioner viz., P.Govindasamy was selected for appointment to the post of Part Time Panchayat Clerk by direct recruitment on merit and he joined service on 22.12.62 and he was in service up to 31.05.1968 and thereafter by an order passed by the District Collector in his Proc. dated 28.06.1968 he was appointed as Full Time Panchayat Assistant with the time scale of pay for the period from 01.06.1968 to 31.05.1969 and thereafter for the period from 01.06.1969 to 31.05.1970. Later, the third respondent by an order dated 30.06.1970 extended the service of the petitioner for the period of 3 years from 01.06.1970 to 31.05.1973. Thus for the total period of 5 years he was serving as Temporary Full Time Panchayat Clerk from 01.06.1968 to 31.05.1973. Again by an order dated 31.01.1974 of the third respondent the petitioner was appointed as Full Time Panchayat Assistant permanently in the time scale of pay of Rs.140-3-155-4-175-2-1- and he retired from service on 31.07.2001 A.N.

3. Further it is averred in the petition that the Block Development Officer, K.V.Kuppam had sent pension proposal vide his letter dated 06.03.2008 to the 4th respondent and the 4th respondent also had sanctioned



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the same by his order dated 08.05.2008. But without even any notice to the petitioner the said order dated 08.05.2008 was cancelled by the 4th respondent by his order dated 16.05.2008. Thereafter, the BDO, K.V.Kuppam vide his letter dated 04.12.2009 had sent the Pension proposal to the 2nd respondent and the same was returned stating that the petitioner is not entitled to the Pension by his order dated 23.04.2010. Consequently, the petitioner has not been paid any pensionary benefits other than GPF and SPR amount to Rs.98,000/- approximately. The other pensionary benefits namely arrears of pension, monthly pension, commutation of pension and gratuity are not paid to him on the ground that he was the Full Time Panchayat Assistant of Non Provincialised establishment. Having no other remedy open to him, the petitioner has come forward with the writ petition.

4. Though very many grounds have been raised in this Writ Petition, the learned senior counsel for the petitioner submitted that, it would suffice, if this Court issues a direction to the Block Development Officer (VP) Panchayat Union, K.V.Kuppam, Vellore to send a proposal to the 4th respondent under whose jurisdiction the petitioner was working and to pass appropriate orders on merits by the 4th respondent within a particular time



frame to be fixed by this Court.

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5. The learned counsel appearing for the respondents submitted that they have no objection for the said order being passed by this Court.

6. Heard the learned counsel on either side and perused the materials available on record.

7. Taking into consideration the factual aspects of the matter, this Court without going into the merits of the case directs the Block Development Officer (VP), Panchayat Union, K.V.Kuppam, Vellore to send a proposal to the fourth respondent/The Principal Accountant General, Accounts & Establishment, Tamil Nadu, Chennai within a period of two weeks from the date of receipt of a copy of the order and thereafter the same shall be considered by the 4th respondent and pass orders on merits and in accordance with law within a period of four weeks.

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



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dpq
Index : Yes/No

To

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3. The District Collector
Vellore.
4. The Director (I)
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Kuralagam,
Chennai – 108.
5. The Block Development Officer (VP)
Panchayat Union,
K.V.Kuppam, Vellore 632 201.



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J.SATHYA NARAYANA PRASAD, J.

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