



W.P.No.5593 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.5593 of 2020
and W.M.P.No.6548 of 2020

K.Periyasamy

... 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, Saidapaet,
Chennai – 600 015.

3.The District Collector,
Villupuram District, Villupuram.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for records in G.O.Ms.No.77, Rural Development Department dated 12.07.2013 and quash the same and direct the respondent to provide the pension to the Petitioner by computing the period from 01.11.1979 to 31.12.1990 as per the G.O.Ms.No.39, Rural Development Development, dated



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13.06.2011.

For Petitioner : Mr.K.Prabhakaran

For Respondents : Mr.G.Nanmaran
Special Government Pleader

ORDER

This Writ Petition has been filed by the petitioner challenging the G.O.Ms.No.77, Rural Development Department dated 12.07.2013 and quash the same and direct the respondent to provide the pension to the Petitioner by computing the period from 01.11.1979 to 31.12.1990 as per the G.O.Ms.No.39, Rural Development, dated 13.06.2011.

2. The petitioner has been working in the Panchayat from the year 1979. The petitioner has been regularized on 06.01.1999 and retired from service on 31.07.2013, while having the designation of Assistant (Pts), Kallakurichi Panchayat Union. The petitioner claim that as per G.O.No.39 Rural Development and Panchayat Raj Department dated 13.06.2011, if the petitioner has served as Panchayat Clerk either as full time or part time workers and if they had been absorbed into regular service before 01.04.2003, 50% of their earlier



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service can be considered for their retirement benefits. Similarly placed candidates were already given with such benefits. Hence, the petitioners claim that they are also entitled to get 50% of their service to be included for getting retirement benefits.

3. It is submitted by the learned Government Advocate for the respondents that the petitioner is not eligible to get the benefit in view of the Tamil Nadu Pension Rules 1978 as they fall under part time category.

4. But G.O.Ms.No.39 Rural Development and Panchayat Raj Department dated 13.06.2011 has been issued in the year 2011 and hence it will have a prospective effect. Even according to the Tamil Nadu Pension Rules, the outer limit is 01.04.2003. Since the petitioner has been observed into regular service in the cadre of Junior Assistants before 01.04.2003, any prospective amendment to the Government Order is not applicable for those persons who were absorbed before to any such Government Order. Similar benefit extended to similarly placed employees should also be given to these petitioners.



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5. With the above observations, this Writ Petition is disposed of.

The first respondent is directed to consider the representations given by the petitioners in the light of G.O.Ms.No.39, Rural Development and Panchayat Raj Department, dated 13.06.2011 and pass orders for granting pensionary benefits and all other attendant benefits to the petitioner. No costs.

17.10.2023

gba

Neutral citation : Yes/ No

Speaking Order : Yes/ No

Index : Yes/ No

Neutral Citation : Yes/No

To

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for The State of Tamil Nadu,,
Rural Development Department,
Secretariat, Fort St. George,
Chennai – 600 009.

2.The Director of Rural Development,
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3.The District Collector,
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R.N.MANJULA, J.

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