



W.P.No.30593 of 2015

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.30593 of 2015

S.Ramasamy

.... Petitioner

Vs

1. Government of Tamil Nadu,
Represented by Secretary to Government,
Revenue Department,
Secretariat,
Chennai – 600 009.

2. The Commissioner of Revenue Administration,
Chepauk,
Chennai – 600 005.

3. The District Collector,
Ariyalur,
Ariyalur District.

4. The Principal Accountant General (A & E),
Tamil Nadu,
Chennai – 600 018.

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Certiorarified Mandamus, calling for the



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records of the first respondent relating to the order in G.O (ID) No.71, Revenue [Ser.7(i)] Department dated 13.03.2015 to quash the same and to issue consequential directions to the respondents to notionally take into account the period from 17.04.1982 to 05.09.1990 along with the regular service of the petitioner from 06.09.1990 to 30.04.2012 to arrive at the total qualifying service for pension and also to award Selection Grade/Special Grade in that post and to revise the pensionary benefits of the petitioner on that basis and disburse all consequential monetary benefits with interest at 18% per annum.

For Petitioner : No appearance

For R1 to R3 : Mr.Yogesh Kannadasan
Special Government Pleader

For R4 : Mrs.T.S.Selvrani
Standing Counsel

ORDER

This writ petition has been filed challenging the order passed by the first respondent, thereby rejecting the request made by the petitioner to reckon with the total qualifying service for sanction of pension, for granting Selection Grade and Special Grade and to revise his pensionary benefit along with all consequential monetary benefits with interest.



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2. The petitioner's father was the Village Headman of Thaluthalaimedu Village, Udaiyarpalayam Taluk and he died on 15.09.1978. On his demise, the petitioner was temporarily appointed as Village Headman by an order dated 20.11.1978 vide proceeding in Pro.Na.Ka.No.A4/15858/78 for a period of three months. Thereafter, in order to fill up the post on permanent basis, another person one Pugazhendhi was appointed as Village Headman on permanent basis. It was served on the petitioner on 10.03.1979 and the same was challenged by the petitioner. However, subsequently, the Village Headman post was abolished by the Tamil Nadu Ordinance 14 of 1980. It was challenged and went up to the Hon'ble Supreme Court of India and direction was issued to the State Government. Accordingly, the State Government constituted a Committee to screen the candidates, who had held the post of Village Headman, prior to 14.11.1980 and find out the suitability of the respective candidates with reference to the educational and age qualification and if found suitable, to give appointment to such of those eligible candidates, who held office as part time Village Officers.



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3. Thereafter, the petitioner made a representation on 17.07.1982 and the same was considered by the Selection Committee for appointment as Village Administrative Officer. However, the petitioner was not called for any interview. Therefore, the petitioner filed writ petition before this Court in W.P.No.6537 of 1982 and this Court directed the District Collector, Tiruchirappali, to consider the representation of the petitioner for appointment as Village Administrative Officer in accordance with the guidelines issued by the Hon'ble Supreme Court of India. Thereafter, the petitioner was appointed as Village Administrative Officer on 06.09.1990 and continued to serve till his attainment of superannuation on 30.04.2012. However, the period of abolition of the post from 14.11.1980 was not considered for his pensionary benefit. Therefore, he submitted a detailed representation and the same was rejected.

4. Heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondents and perused the materials available on record.



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5. On perusal of the counter filed by the respondents revealed that the request of the petitioner was examined and it was found that the petitioner has not submitted any application during the tenure of his service from 06.09.1990 to 30.04.2012 to take into account notionally the period from 17.04.1982 to 05.09.1990 for pensionary benefit and other benefits. Further the petitioner had not worked in the Government service in order to take the said periods for his pensionary benefits, which is contrary to the Government Service Rules. In fact, on demise of his father, the petitioner was temporarily appointed as Village Headman by the Revenue Divisional Officer. Thereafter, in order to fill up the vacancy on a permanent basis, applications were invited. In the place of the petitioner, another person viz., Pugazhendhi was appointed as Village Headman, though it was challenged by the petitioner by way of Tamil Nadu Ordinance 14 of 1980. When all the posts were abolished and the same was also confirmed by the Hon'ble Supreme Court of India only on the direction issued by the Government of India. The petitioner request was considered and he was appointed as Village Administrative Officer on 06.09.1990 and continued in the service till he attained the age



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of superannuation on 30.04.2012. The petitioner has not passed the relevant test viz., Part A & B and hence, he was not considered for the post of Village Administrative Officer at that time.

6. Therefore, the first respondent has rightly rejected the claim application filed by the petitioner and this Court finds no infirmity or illegality in the order passed by the first respondent. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs.

03.07.2023

Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
Lpp

To

1. The Secretary to Government,
Government of Tamil Nadu,
Revenue Department,
Secretariat,
Chennai – 600 009.

2. The Commissioner of Revenue Administration,
Chepauk,
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G.K.ILANTHIRAIYAN, J.

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