



W.P.No.15982 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE J. SATHYA NARAYANA PRASAD

W.P.No.15982 of 2020

K. Mohan

... Petitioner

Vs.

1. The Secretary to Government
Revenue Department,
Secretariat,
Chennai 600 009.

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

3. The Collector
Thiruvalluvar District Collectorate
Thiruvalluvar District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus to direct the respondents to grant / sanction pension by considering the petitioner's 50% of service as Village Employee from 29.12.1983 to 31.05.1995 along with the petitioner's full regular service as Village Assistant from 01.06.1995 to 22.07.2015 and Village Administrative Officer from 23.07.2015 to 29.06.2018 as per Tamil Nadu Pension Rules, 1978 within the time frame.



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For Petitioner : M/s.Kanimozhi Mathi
for Mr.N.Ramamani

For Respondents : Mr.A.M.Ayyadurai
Government Advocate

ORDER

The petitioner has filed the above writ petition praying for issuance of a Writ of Mandamus to direct the respondents to grant / sanction pension by considering the petitioner's 50% of service as Village Employee from 29.12.1983 to 31.05.1995 along with his full regular service as Village Assistant from 01.06.1995 to 22.07.2015 and Village Administrative Officer from 23.07.2015 to 29.06.2018 as per Tamil Nadu Pension Rules, 1978 within the time frame.

2. The learned counsel for the petitioner submitted that the petitioner had joined the service under the 3rd respondent as Village Employee and as per the proceedings of the Tahsildhar, Ponneri dated 29.12.1983 he was selected to the post of Village Employee at Thervoy Village, permanently and worked as Village Employee from 29.12.1983 till 31.05.1995 and his employment was full time employment and he was paid consolidated payment. Subsequently the post of Village Employee was re-designated as Village Assistant with effect from



01.06.1995 as per the G.O.(Perm) No.625, Revenue Department dated 06.07.1995 and he was absorbed in the said post as Village Assistant with regular time scale of pay from 01.06.1995 and he served as Village Assistant till 22.07.2015 without any break. Thereafter he was promoted to the post of Village Administrative Officer by the proceedings of the Revenue Divisional Officer, Ponneri dated 22.07.2015 and posted at Pallavada Village, Matharpakkam Kuruvattam, Gummdipoondi Taluk and from then he was serving as Village Administrative Officer. His service to the post of Village Administrative Officer was regularised with effect from 23.07.2015 by the proceedings of the Sub-Collector, Ponneri dated 11.07.2017. At the time of his retirement, he was working at Pallavada Village. By the proceedings of the Revenue Divisional Officer, Ponneri dated 29.06.2018 he retired from the service on 30.06.2018. Though he was retired as Village Administrative Officer and rendered more than 35 years of service, no pension was sanctioned to him after retirement.

3. The learned counsel further submitted that the persons who employed as Village Employee and Village Assistant and promoted to the post of Village Administrative Officer, 50% of their service as Village Employee



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were considered/reckoned along with service as Village Assistant and Village Administrative Officer for calculating pension and they were paid pension. The Hon'ble Madurai Bench of Madras High Court in W.A(MD).No.370 of 2019 dated 22.10.2019 passed an order that 50% of the services put in as Village Chowkidhar (Thalaiyari or Girama Kavalar) (which is equivalent to the post of Village Employee) has to be taken into account for the purpose of calculating pension considering Rule 11(4) of the Tamil Nadu Pension Rules, 1978. Since the grievance of the petitioner was not considered the petitioner has come forward with the present writ petition.

4. Further, in this context, the learned counsel for the petitioner relied upon the judgment of the Division Bench of this Court in W.A.(MD).No.370 of 2019 dated 22.10.2019, wherein the division bench, in the last para held thus:-

“ The writ petition in W.P.(MD).No.70 of 2019 stands allowed in tune with the earlier precedents of this Court. The first respondent is directed to pass orders counting 50% of the services of the appellant put in by him as Thalayari for the period from 07.01.1983 to 31.05.1995 for the purpose of calculation of pension along with regular services put in by him as Village Assistant and Village Administrative Officer and to send revised pension proposals within a period of six weeks from the date of receipt of a copy of this order”.



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5. Counter affidavit dated 28.06.2021 has been filed by the 3rd respondent and it is relevant to extract the following paragraphs:-

5) It is humbly submitted that the petitioner was served as Village Employee in consolidated payment from 01.01.1984 to 31.05.1995 (11 years 5 month only) and Village Assistant in time scale of pay from 01.06.1995 to 22.07.2015 (20 years, 1 month and 22 days). The petitioner serving as Village Administrative Officer from 23.07.2015 to 30.06.2018 (2 years, 11 months and 9 days). As per the G.O.(3D) No.9, Revenue (Ser.7(1) Department, dated 28.02.2006 as ordered as detailed below, vide in the Tamil Nadu Village Assistant Pension Rules 1995.

Chapter – I – General:-

(ii) They shall be deemed to have come into force on 01.06.1995

Chapter – II Pension & Gratuity:-

4 (a) “In computing the length of Service for calculating of pension and gratuity, temporary, officiating and permanent (full time) service shall be reckoned as qualifying service.

6. Heard both sides and perused the materials available on record.

7. In view of the above factual matrix of the case and the ratio laid down by the Division Bench of this Court in W.A.(MD).No.370 of 2019 dated 22.10.2019 as cited supra, this Court is inclined to allow the writ petition.



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8. In the result, the writ petition stands allowed and the respondents are directed to consider the petitioner's 50% of service as Village Employee from 29.12.1983 to 31.05.1995 along with his full regular service as Village Assistant from 01.06.1995 to 22.07.2015 and Village Administrative Officer from 23.07.2015 to 29.06.2018 as per Tamil Nadu Pension Rules, 1978 within a period of four weeks from the date of receipt of a copy of this order. No costs.

31.08.2023

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Index : Yes/No

Speaking Order : Yes/No

To

1. The Secretary to Government
Revenue Department,
Secretariat,
Chennai 600 009.
2. The Commissioner of Revenue Administration
Ezhilagam, Chepauk,
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3. The Collector
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J. SATHYA NARAYANA PRASAD, J.

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