



WEB COPY



W.P.No.17571 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2023

CORAM

THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P.No.17571 of 2020

1.A.Duraisamy
2.M.V.Thiruppathi

... Petitioners

Vs.

- 1.The Government of Tamilnadu,
Rep by its Principal Secretary to Government
Rural Development and Panchayat Raj Department,
Fort St. George,
Chennai 600 009.
- 2.The Principal Secretary to Government of Tamilnadu,
Finance Department,
Fort St. George,
Chennai 600 009.
- 3.The Commissioner of Rural Development and
Panchayat Raj,
Panagal Building,
Saidapet,
Chennai 600 015.
- 4.The Principal Accountant General (A&E),
Tamilnadu, No.361, Anna Salai,
Chennai 600 018.



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5.The District Collector (Rural Development Section)
Vellore, Vellore District 632 009.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the first respondent to implement G.O.No.39, Rural Development and Panchayat Raj dated 13.06.2011 granting pensionary benefit to the petitioners.

For Petitioners : Mr.V.Gopalsamy
For Respondents : Mr.P.Sanjai Gandhi, GA

ORDER

This Writ Petition has been filed seeking issuance of Writ of Mandamus to direct the first respondent to implement G.O.No.39, Rural Development and Panchayat Raj dated 13.06.2011 granting pensionary benefit to the petitioners.

2. The petitioners have been working in the Panchayat from the year 1970 and 1991 respectively. The petitioners have been regularized on 01.11.1985 and 01.06.2001 as Junior Assistants respectively. The petitioners claim that as per G.O.No.39 Rural Development and Panchayat Raj Department dated 13.06.2011, if the petitioners have



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served as Panchayat Clerk either as full time or part time workers and if they had been observed into regular service before 01.04.2003, 50% of their earlier 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 petitioners are 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 prospective effect. Even according to the Tamil Nadu Pension Rules, the outer limit is 01.04.2003. Since these petitioners have 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 had been observed before to any such



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Government Order. Similar benefit extended to similarly placed employees should also be given to these petitioners.

5. With the above observations, this Writ Petition is allowed. 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 petitioners. No costs.

13.10.2023

Index : Yes
Internet : Yes/No
gsk



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