



W.P.No.18636 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.18636 of 2020

M.Elayaperumal

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Petitioner

Vs.

1. The Chief Secretary to Government,
Govt. of Tamilnadu, Secretariat,
Chennai-600 003.
2. The Additional Chief Secretary to Government,
Finance Department, Secretariat,
Chennai 600 003.
3. The Accountant General (Accounts & Entitlements),
No.361, Anna Salai,
Teynampet, Chennai-600018.
4. The District Collector,
Collector office,
District Master Plan Complex,
Villupuram-605602.
5. The District Collector,
New Collector office,
Kallakuruchi.605202
6. The Revenue Divisional Officer,
137, Sandapet, Thirukoilur- 605757.



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7. The Thasildar,
Taluk Office SH 69,
Menachipuram,
Ulundurpet - 606107.

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Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus to direct the 3rd respondent to disburse the retirement benefits and pensions from the year 01.06.1999 till date with retrospective effect, upon the proposed overt enquiry conducted by the 4th and 5th Respondents regarding the service rendered by the petitioner on the file of 7th respondent and pass any other Orders or Direction or any Orders as this Court may deem fit and proper in the circumstances of the case.

For Petitioner : No appearance

For Respondents : Mr.Arunkumar,
Additional Government Pleader
for R1, 2, 4 to 7

ORDER

This Writ Petition has been filed to issue a writ of Mandamus for directing the 3rd respondent to disburse the retirement benefits and pensions from the year 01.06.1999 till date with retrospective effect, upon the proposed overt enquiry conducted by the 4th and 5th Respondents regarding the service rendered by the petitioner on the file of 7th respondent.

2. There was no representation for the petitioner. The submission made by Mr.Arunkumar, learned Additional Government Pleader for



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respondents 1, 2, 4 to 7, heard.

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3. The petitioner had got his superannuation on 31.05.1999 from his service as Village Assistant, in Asanoor Village, Ulundurpet Taluk. The petitioner was working as part time Village Assistant right from the year 01.09.1966 in the office of Tahsildar, Ulundurpet/ the 7th respondent and his services was regularised with effect from 01.06.1995. He claims his past services are to be taken up to count for computing eligible years of service for extending the pensionary benefits under the Tamil Nadu Village Assistants' Pension Rules, 1995. The petitioner has given representation in this regard on various occasions and they were not considered by the respondents. So, the petitioner has filed this petition seeking direction to the 3rd respondent to disburse his retirement by giving the effect of the eligibility from 01.06.1999.

4. Per contra, Mr.Arunkumar, learned Additional Government Pleader for the respondents 1, 2 and 4 to 7 submitted that the petitioner does not have even the qualifying service for getting pension as he was a part time employee till 01.06.1995. He was regularized from 01.06.1995 by virtue of GO.Ms.No.(3D)No.9 Revenue (Sec-7(1) Department, dated 28.02.2006 and



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he got superannuated on 31.05.1999, however, the very same Government Order prescribed at least 10 years of service in the cadre of Village Assistant.

5. According to the respondents, the petitioner got appointment in the cadre of Village Assistant only in the year 1995. Since the petitioner got retirement in the year 1999 and his previous services are part time service, he is not eligible to get the pensionary benefits as the petitioner has served only for 4 years and did not have the qualifying years of service for getting pensionary benefits. Hence the respondents have right in rejecting the claim of the petitioner.

In the result, this Writ Petition is **dismissed**. No costs.

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jrs

Internet :Yes/No

Speaking: Non speaking

Neutral:Yes/ No



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To

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R.N.MANJULA, J.
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