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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2023

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.21632 of 2021 and
W.M.P.No.22816 of 2021

V.Kuppusamy

... Petitioner

Vs.

The State of Tamil Nadu,
Rep by its Principal Secretary /
Additional Chief Secretary,
Revenue and Disaster Management Department,
St.George Fort, Chennai 600 009.

... Respondent

PRAYER : This Writ Petition has been filed to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the respondent in his letter No.35525/service-8(2)2020-5 dated 08.09.2021 and consequential his letter No.26702/service-8(2)2019-7 dated 17.05.2021 and quash the same and direct the respondent to relax Rule 43 of Pension rule as in the case of 184 Village Administrative Officer done by the respondent vide in G.O.Ms.No.158, Revenue (Service - 8(2)) Department dated 08.04.2015 and sanction necessary minimum pension with arrears including all other terminal benefits to the petitioner.

For Petitioner : Mr.P.Ganesan

For Respondent : Mr.T.Chezhiyan, AGP



ORDER

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The petitioner has filed this Writ Petition to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the respondent in his letter No.35525/service-8(2)2020-5 dated 08.09.2021 and consequential his letter No.26702/service-8(2)2019-7 dated 17.05.2021 and quash the same and direct the respondent to relax Rule 43 of Pension rule as in the case of 184 Village Administrative Officer done by the respondent vide in G.O.Ms.No.158, Revenue (Service - 8(2)) Department dated 08.04.2015 and sanction necessary minimum pension with arrears including all other terminal benefits to the petitioner.

2. Heard Mr.P.Ganesan, learned counsel for the petitioner and Mr.T.Chezhiyan, learned Additional Government Pleader appearing for the respondent.

3. The petitioner was temporarily appointed as Village Munsif on 01.03.1975. Later he was regularised in the post of Village



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Administrative Officer on 16.05.2001. The petitioner was allowed to retire from service on 30.06.2009. The petitioner is aggrieved because he was not paid with the minimum pension and all other terminal benefits. The petitioner has already filed a Writ Petition in W.P.No.21246 of 2019 wherein, a direction has been given to consider the pension proposal and pass appropriate orders. On consideration, the respondent has passed orders on 17.05.2021 and 08.09.2021 by rejecting the claim of the petitioner for minimum pension on the ground that the petitioner is not covered under the scheme contemplated under G.O.Ms.No.756 dated 17.08.1993.

4. However, the Sub Collector who sent a proposal has recommended in his proposal that there are precedents of those cases in which persons who have not completed the minimum 10 years of service were given with relaxation and provided with minimum pension. Such consideration could have been adopted in the case of the petitioner also but the impugned orders dated 17.05.2021 and 08.09.2021 have been passed without considering the relaxation given to similar such persons.



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Hence, I feel it is appropriate to issue direction to the respondent to consider the above aspect also in order to accept the minimum proposal proposal and pass appropriate orders.

5. Accordingly this Writ Petition is allowed and the impugned orders in letter No.35525/service-8(2)2020-5 dated 08.09.2021 and letter No.26702/service-8(2)2019-7 dated 17.05.2021 are set aside and the respondent is directed to reconsider the matter in the light of the above observations and pass a fresh order within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

19.12.2023

Index : Yes

Internet : Yes/No

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To
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The Principal Secretary /
Additional Chief Secretary,
Revenue and Disaster Management Department,
St.George Fort, Chennai 600 009.



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R.N.MANJULA, J.

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