



WEB COPY



W.P.No.23724 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.23724 of 2023

M.Raman

... Petitioner

Versus

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Rural Development Department,
Secretariat, Fort St.George,
Chennai – 600 009.

2.The Director of Rural Development,
Panagal Maligai,
Saidapet, Chennai – 600 015.

3.The District Collector,
Kallakurichi District,
Kallakurichi.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus or any other appropriate writ, order or direction in the nature of a Writ of certiorarified mandamus to call for the records regarding G.O.Ms.No.77, Rural Development Department dated 12.07.2013 passed by the 1st respondent and Quash the same and direct the respondents 1 and 2 to provide the pension to the petitioner as per the G.O.Ms.No.39, Rural Development Department dated 13.06.2011 and grant such other relief my deem fit.

For Petitioner : Mr.S.Jaganathan
For Respondents : Mr.S.Prabhakaran,
Government Advocate



W.P.No.23724 of 2023

ORDER

This Writ Petition has been filed to call for the records regarding G.O.Ms.No.77, Rural Development Department, dated 12.07.2013 passed by the 1st respondent and quash the same and direct the respondents 1 and 2 to provide pension to the petitioner as per G.O.Ms.No.39, Rural Development Department, dated 13.06.2011.

2.It is the contention of the learned counsel for the petitioner that the petitioner was appointed as a part time Panchayat Clerk on 01.09.1981 and worked as part time employee till 31.12.1990. Thereafter, the petitioner was regularized as Panchayat Assistant on 01.01.1991 and made permanent as Junior Assistant on 01.01.1999 and he was retired from service on 31.03.2019 as Deputy Block Development Officer (Admin), Sangarapuram Panchayat Union. The period from 01.09.1981 to 31.12.1990 was not taken into consideration for the computation of pension on the ground that the petitioner was working as part time employee during that period. Since the petitioner was joined in the year 1981 as Panchayat Clerk and was absorbed as Junior Assistant on 01.01.1999, the 50% of the service period from 01.09.1981 to 31.12.1990 shall be included in the pensionable service for the computation of the pension. In this regard, the petitioner has given his



W.P.No.23724 of 2023

representation on 15.12.2022 to the respondent to grant pension as per G.O.Ms.No.39, Rural Development Department, dated 13.06.2011, however, no orders have been passed so far.

3.The learned counsel for the petitioner submitted, it would suffice, if a direction is given to the respondents to consider the representation of the petitioner.

4.Considering the submission of the writ petitioner, the respondents are directed to consider the representation of the petitioner, dated 15.12.2022 and pass appropriate Orders on merits and in accordance to law within a period of two months from the date of receipt of a copy of this Order.

5.With the above direction, this Writ Petition is disposed of. No costs.

14.08.2023

vv2

N.SATHISH KUMAR, J.



W.P.No.23724 of 2023

vv2

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Index : Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

Speaking Order/Non-Speaking Order

To

- 1.The Secretary to Government,
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W.P.No.23724 of 2023

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