



WEB COPY



W.P.No.4008 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2023

CORAM:

THE HON'BLE Mrs.JUSTICE **V.BHAVANI SUBBAROYAN**

W.P.No.4008 of 2017

&

W.M.P.No.4110 of 2017

S.R.Venugopal

... Petitioner

Vs.

The State of Tamil Nadu
rep by its Commissioner and Secretary
Revenue Department
Fort.St.George
Chennai-600 009

... Respondent

Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the records relating to order passed by the respondent in அரசு கடித எண்.8178/பணி-8(2)/2015-4, dated 03.01.2016 and quash the same thereby consequently direct the respondent to sanction full pension and to pay the arrears of pension from the date of eligibility with interest.

For Petitioner : Mr.A.R.Nixon

For Respondents : Mr.T.M.Rajangam, Govt.Advocate



W.P.No.4008 o

ORDER

This Writ petition has been filed for issuance of Writ of Certiorarified Mandamus calling for the records relating to order passed by the respondent in அரக கடித எண்.8178/பணி-8(2)/2015-4, dated 03.01.2016 and quash the same thereby consequently direct the respondent to sanction full pension and to pay the arrears of pension from the date of eligibility with interest.

2. The petitioner is a retired Village Officer. The petitioner was appointed as Village Officer through a proceedings of Revenue Divisional Officer, Musiri in R.Disc.No.14548/58 dated 13.12.1958 in the capacity of Village Head of Musiri Taluk, Sirunavallur Village, the petitioner has been appointed and worked for 21 years without any blemish in his service. The petitioner resigned his job on 08.03.1979. The resignation has been accepted and acknowledged by the Revenue Divisional Officer, Musiri in R.C.No.A3/17478/79 dated 14.08.1979. The RDO passed an order stating that the unconditional resignation tendered by the petitioner in a post of permanent Village Headman has been accepted. The petitioner sent representation to the various authorities demanding pensionary benefits after the attainment of his superannuation age. The petitioner sent a representation to the District Collector, Trichy on 01.12.2009 and to various authorities. The petitioner made a representation to the respondent on 09.10.2013. At the age of 84 years the petitioner and his wife is not in a position to maintain their family and filed



W.P.No.4008 o

W.P.No.1205 of 2014 directing the respondent to dispose of the representation dated 09.10.2013. The Writ Petitioner was disposed of on 03.02.2015 to consider the petitioner dated 09.10.2013 within 8 weeks on receipt of the copy of the order. The respondent failed to comply with the order and the petitioner filed Cont.P.No.2767 of 2015 after which the respondent passed an impugned order in அரசு கடித எண்.8178/பணி-8(2)/2015-4 dated 03.01.2016 and the same is challenged before this Court by taking these grounds. The respondent inaction to take into consideration that the petitioner has rendered Village Headman for 21 years and wrongly interpreted the service of the part time Village Headman is incorrect and prayed to quash the order passed by the respondent.

3. Heard Mr.A.R.Nixon, learned counsel appearing for the petitioner and Mr.T.M.Rajangam, learned Government Advocate for the respondent.

4. The respondent has filed counter affidavit denying all the averments stating that the petitioner herein was appointed as Part Time Village Officer (Village Headman) at Sirunavallur Village, Musiri Taluk on 13.12.1958 vide proceedings of the Revenue Divisional Officer, Musiri in R.Dis No.14548/58, dated 13.12.1958. After serving 21 years as part time Village Headman, the petitioner resigned his job due to health reasons. His resignation was accepted and he was unconditionally



W.P.No.4008 o

WEB COPY

retired from the part time post on 14.08.1979. The petitioner was not service on 14.11.1980, the date on which the part time Village Officers post were abolished as per the Tamil Nadu Ordinance No.10 of 1980 viz., the Tamil Nadu Abolition of Posts of part time Village Officers Ordinance, 1980. The petitioner has sent a representation, dated 09.10.2013 claiming pension for his services as part time Village Headman at Sirunavallur village. The petitioner was informed that the post held by the petitioner was only a part time post. There is no rule provision for granting pension to the Village Officers who resigned/left the part time Village Officers posts prior to abolition of the part time Village Officers on 14.11.1980 (as per the Tamil Nadu Ordinance No.10 of 1980). Hence, the petitioner is not eligible for pension. The petitioner has filed W.P.No.1205/2014 to direct the respondent to consider and dispose of the representation. This Court by order dated 03.02.2015 in W.P.No.1205/2014 has directed the respondent to consider and dispose of the representation dated 09.10.2013 on merits and as per law within a period of 8 weeks from the date of receipt of a copy of the order. The said representation was duly considered and the petitioner was informed of his ineligibility to get pension vide அரசு கடித எண்.8178/பணி-8(2)/2015-4 dated 03.01.2016. The petitioner has worked as a part time Village Headman at Sirunavallur Village, Musiri Taluk on 13.12.1958 and resigned his job owing to health reasons on 14.08.1979. The petitioner is not entitled pension for his services as Village Headman since the post is a part time post. Hence, the petitioner is not eligible for pension. The Government in



W.P.No.4008 o

G.O.Ms.No.828 Revenue Department dated 23.08.1996 has granted pension to only the erstwhile Village Officers who lost their job on 14.11.1980. The petitioner has worked as a part time Village Officer and he was not in service on the crucial dated viz., 14.11.1980 the date on which the posts of erstwhile Village Officers were abolished by the promulgation of the Tamil Nadu Ordinance No.10/80. The impugned order passed by the Government are just and bonafide and it is legally valid. The representation of the petitioner was duly considered by the Government and the same was rejected as per the Government Orders in force.

5. On going through the typedset of papers, it is seen that the petitioner has not produced any proof that he was in Government job on the crucial date i.e., 14.11.1980. Hence, this Court is of the view that the Writ Petition is devoid of merits and cannot be considered. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

28.11.2023

Index:Yes/No
Internet:Yes/No
Speaking / Nonspeaking order
kpr

V.BHAVANI SUBBAROYAN J.

kpr



W.P.No.4008 of 2017

WEB COPY

The Commissioner and Secretary
Revenue Department
State of Tamil Nadu
Fort.St.George
Chennai-600 009

W.P.No.4008 of 2017

28.11.2023