



Writ Petition No.57 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2023

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THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition No.57 of 2017

and

W.M.P.No.64 of 2017

J.Loganathan
S/o.Jeyaraman

... Petitioner

Vs.

1.The Revenue Secretary,
Revenue Department,
Government of Tamil Nadu,
Fort Saint George, Rajaji Salai,
Chennai - 600 009.

2.The Regional Deputy Director,
Survey and Land Records,
Chepauk, Chennai - 600 005.

3.The Assistant Director,
Survey & Land Records,
Kancheepuram,
Kancheepuram District - 631 501.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus calling for the records
of the third respondent in Na.Ka.No.A2/3337/2015 dated 05.07.2016 and



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quash the same and consequently, direct the respondents to include the service of the petitioner from 08.06.1966 to 30.05.1977 i.e. 10 years 6 months 21 days service already rendered by the petitioner and count the said period for the purpose of revision of pension as per the pension rules.

For Petitioner : Mr.G.Krishnakumar
For Respondents : Mr.K.H.Ravikumar
Government Advocate

ORDER

This Writ Petition has been filed seeking to quash the proceedings of the third respondent in Na.Ka.No.A2/3337/2015 dated 05.07.2016 and consequently, direct the respondents to include the service of the petitioner from 08.06.1966 to 30.05.1977 i.e. 10 years 6 months 21 days service already rendered by the petitioner and count the said period for the purpose of revision of pension as per pension rules.

2. The case of the petitioner is as follows:

2.1. The petitioner was appointed as Chain Man in the office of the Deputy Special Tahsildar, Kancheepuram and worked in various offices till 31.05.1977. The petitioner availed medical leave for three months, however,



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after that, for 11 years, the petitioner was absent from duty i.e. 1977 to 1989. On 07.12.1989, the petitioner submitted a representation to the respondent to consider the said 11 years of service for pension proposal to the Accountant General. Since the same was returned, the petitioner filed O.A.No.3530 of 1990 before the Tamil Nadu Administrative Tribunal seeking a direction to respondents 2 and 3 to issue posting order to the petitioner. The said application was disposed of with a direction to the respondents to take the petitioner back to service forthwith as a Chain Man giving weightage to the 11 years service already rendered by him for the purpose of fixation of his pay in the appropriate scale and also counting the said period for the purpose of pension *etc.* and the period of absence from 31.05.1977 was treated as non-duty.

2.2. Pursuant thereto, the petitioner was reappointed on 28.08.1991 as Field Assistant and petitioner retired on 30.06.2003. Prior to his retirement, the petitioner submitted his pension proposal to the second respondent, who in turn forwarded the same to the Accountant General. In the pension



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proposal itself, the service details were shown as 22 years 6 months and 25 days for the purpose of counting the pension, but, the Accountant General had issued a pension payment order on 02.07.2003 wherein they calculated the petitioner's service as 11 years 10 months and 4 days. The earlier service rendered by the petitioner i.e. 10 years 6 months and 21 days was not included on the ground that the period of service from 08.06.1966 to 31.05.1977 has to be regularized for the purpose of revision of pension and the same was informed to the petitioner by the second respondent *vide* letter dated 18.05.2008. On coming to know of the same, immediately, the petitioner submitted a letter on 26.05.2015 to the Accountant General to include the earlier service for the purpose of revision of pension. The Accountant General rejected the said letter and directed the petitioner to approach the third respondent to obtain relaxation order from the Government for the period from 08.06.1966 to 31.05.1977. However, the third respondent, has rejected the request of the petitioner through the impugned order. Hence, the petitioner has filed the present petition seeking for the aforesaid relief.



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3. Heard Mr.G.Krishnakumar, learned counsel for petitioner and Mr.K.H.Ravikumar, learned Government Advocate appearing for respondents.

4. Learned counsel for petitioner submitted that the main grievance of the petitioner is that though the Tamil Nadu Administrative Tribunal has passed an order in the year 1991 to consider the period viz., 08.06.1966 to 31.05.1977 for the purpose of fixing pension, the respondents, without considering the same, has proceeded in an erroneous manner as if the petitioner claimed non-duty period i.e. 31.05.1977 to 27.08.1991 for revision of pension, which is unjust and unreasonable.

5. Learned Government Advocate appearing for respondents submitted that though a detailed counter has been filed before this Court, at present, nothing survives in the present petition in view of G.O. (ID) No.182, Revenue and Disaster Management Department, SS-4(1), dated 18.03.2020.



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6. This Court has considered the rival submissions and perused the materials available on record, more particularly, G.O. (ID) NO.182, Revenue and Disaster Management Department, SS-4(1), dated 18.03.2020.

7. On carefully going through the materials and the aforesaid Government Order, this Court finds that as per the instructions of Accountant General, Chennai, dated 02.02.2017, the impugned order was cancelled and a detailed proposal was sent to the Government through the Director of Survey and Settlement, Chennai, requesting to issue necessary orders as per Rule 18 of the Tamil Nadu Leave Rules regulating the period of absence from 31.05.1977 to 27.08.1991 since the period exceeds more than five years. The Government has also issued orders *vide* G.O. (ID) NO.182, Revenue and Disaster Management Department, SS-4(1), dated 18.03.2020, regulating the period of absence as 'Non Duty' period (DIES NON) in order to count two spells of duty period i.e. from 08.06.1966 to 31.05.1977 and 27.08.1991 to 30.06.2003. As the period of absence was regulated by the competent authority, the petitioner has now become



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eligible to claim pension by counting the services rendered prior to his absence. Further, a detailed proposal along with Service Register of the petitioner was forwarded to the Accountant General by the third respondent for revision of pension by counting the period of services rendered by the petitioner prior to his absence and necessary orders are awaited. In view of the above, this Court is of the view that the petitioner grievance has been redressed and nothing survives for adjudication in the present petition.

Accordingly, this Writ Petition is disposed of in the above terms. No costs. Connected miscellaneous petition is closed.

10.10.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
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V.BHAVANI SUBBAROYAN, J

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To

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