



W.P.No.30195 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.30195 of 2022
and
W.M.P.No.29635 of 2022

N.Kamalakannan

...Petitioner

Vs

1.The State of Tamil Nadu,
Rep. by its Principal 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 - 606 213.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, directing the respondents to call for the records regarding G.O.Ms.No.77, Rural Development Department, dated 12.07.2013 issued by the first



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respondent and quash the same and direct the first respondent to provide the pension to the petitioner as per G.O.Ms.No.39, Rural Development Department, dated 13.06.2011.

For Petitioner : Mr.S.Jaganathan

For Respondents : Mr.P.Gurunathan
Additional Government Pleader

ORDER

By consent of both the parties, this writ petition is taken up for final disposal.

2. The petitioner herein had rendered services under the respondents herein as a Part Time Panchayat Clerk from 01.04.1978 to 31.12.1990. The grievance of the petitioner is that 50% of his services rendered in the post of Part Time Panchayat Clerk was not taken into consideration for the purpose of computing grant of pension and therefore, the learned counsel for the petitioner would submit that the order requires to be set aside. In support of his contention, the learned counsel for the petitioner submitted that the issue with regard to the eligibility to take into account the earlier services of the Part Time



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Panchayat Clerk came up for consideration in a batch of Writ Petitions in W.P.No.19264 of 2014, etc. and by an order dated 30.06.2014, it was held that, 50% of the past services of the Part Time Panchayat Clerk has to be taken for the purpose of computing the total period of service for the pensionary benefits. It is also his contention that the order of the learned Single Judge in the batch of Writ Petitions came to be affirmed by the Hon'ble Division Bench of this Court in W.A.No.191 of 2016 dated 23.02.2016. A similar view was taken by the other Hon'ble Division Bench of this Court in W.A.No.612 of 2016, dated 24.06.2016 and W.A.No.745 of 2019, dated 11.03.2019.

3. The orders of the learned Single Judge, as confirmed by the Division Benches, have also been implemented by the first respondent herein and one such order of implementation is in G.O.Ms.No.111 Rural Development and Panchayat Raj (PA5) Department, dated 14.03.2016. The aforesaid proposition laid down by the learned Single Judge, as well as the Hon'ble Division Benches of this Court, squarely applies to the facts of the present case. As such, the petitioner herein is entitled to succeed.



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4. In the light of the above observation, the impugned order of the first respondent dated 12.07.2013, is quashed, insofar as it relates to omitting to count the services rendered by the petitioner as a Part Time Panchayat Clerk. Consequently, there shall be a direction to the first respondent to include 50% of the services rendered by the petitioner as a Part Time Panchayat Clerk for grant of pension. The first respondent shall endeavor to pass appropriate orders in the light of the above directions, within a period of 12 weeks from the date of receipt of a copy of this order.

5. Accordingly, the Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

28.06.2023

Index: Yes/No
Speaking order/Non-speaking order
Neutral Citation: Yes/No
hvk



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To

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M.S.RAMESH,J.

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