



W.P.(MD)No.6190 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:10.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.6190 of 2018
W.M.P(MD).No.6029 of 2018

C.Palanivelu

... Petitioner

Vs.

1.The Principal Secretary,
To Government of Tamil Nadu,
Department of Rural Development and Panchayat Raj,
Secretariat,
Chennai-600 009.

2.The Commissioner,
Directorate of Rural Development and Panchayat Raj Department,
Panagal Building,
Saidapet,
Chennai-600 015.

3.The Principal Accountant General,
Accounts and Establishment,
361, Anna Salai,
Teynampettai,
Chennai-600 018.

4.The District Collector,
Thanjavur.

... Respondents



W.P.(MD)No.6190 of 2018

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the proceedings of the third respondent in No.P03/10319686/3 PPO.No.RO 319686, dated 22.11.2017 and quash the same as illegal and arbitrary and direct the respondents to take into account 50% of the service rendered by the petitioner as Panchayat Assistant from 20.08.1984 to 18.01.1999 for pensionary benefits.

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondents : Ms.K.Christy Theboral
Additional Government Pleader
for RR1, 2 and 4

ORDER

This Writ Petition has been filed to call for the records pertaining to the proceedings of the third respondent in No.P03/10319686/3 PPO.No.RO319686, dated 22.11.2017, quash the same as illegal and direct the respondents to take into account 50% of the service rendered by the petitioner as Panchayat Assistant from 20.08.1984 to 18.01.1999 for pensionary benefits.



W.P.(MD)No.6190 of 2018

WEB COPY

2. The case of the petitioner is that the petitioner was appointed as Panchayat Clerk on 20.08.1984 at Thaligaiveduthi Village Panchayat and on 01.01.1991, he was appointed as Panchayat Assistant Grade I and continued to work there till 18.01.1999. Due to abolition of Village Munsif and Karnam, their duties were assigned to them. Thereafter, he was promoted as Senior Assistant on 19.01.1999 in Panchayat Union, Orthanadu and was promoted as Assistant/Accountant. He retired from service as Deputy Block Development Officer on 31.07.2017 on attaining the age of superannuation. The Block Development Officer, Sethubavachathriam, vide proceedings dated 27.10.2017, has sent the pension proposal of the petitioner to the third respondent and recommended to grant pension for the services rendered by him from 20.08.1984 to 18.01.1999 as Panchayat Assistant and to take into account 50% of this period as qualifying service. However, the third respondent, while sanctioning the pension proposal of the petitioner, vide the impugned proceedings dated 22.11.2017, declined the request of the petitioner on the ground that part time service cannot be taken into consideration for the grant of pension. Challenging the same, the present



W.P.(MD)No.6190 of 2018

writ petition has been filed.

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3. The learned counsel appearing for the petitioner would submit that since the third respondent is not the Competent Authority to take into account 50% of the service as qualifying service in terms of Rule 11(4) of the Tamil Nadu Pension Rules, this Court may grant liberty to the petitioner to make a detailed representation before the second respondent in terms of Rule 11(4) of the Tamil Nadu Pension Rules, within a specified period.

4. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1, 2 and 4.

5. Considering the submission made by the learned counsel appearing for the petitioner, this Court, without interfering with the impugned order issued by the third respondent, grants liberty to the petitioner to make a detailed representation to the second respondent



W.P.(MD)No.6190 of 2018

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within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the second respondent is directed to consider the same and pass appropriate orders on merits and in accordance with law within a period of 12 weeks thereafter.

6. Accordingly, this Writ Petition is disposed of. No costs.
Connected miscellaneous petition is also closed.

10.02.2023

ssb
NCC:Yes/No
Index:Yes/No
Internet:Yes/No

To:

- 1.The Principal Secretary,
To Government of Tamil Nadu,
Department of Rural Development and Panchayat Raj,
Secretariat,
Chennai-600 009.
- 2.The Commissioner,
Directorate of Rural Development and Panchayat Raj Department,
Panagal Building,
Saidapet,

5/7



W.P.(MD)No.6190 of 2018

WEB COPY

- Chennai-600 015.
- 3.The Principal Accountant General,
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W.P.(MD)No.6190 of 2018

M.DHANDAPANI,J.

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W.P.(MD)No.6190 of 2018

10.02.2023