



W.P.(MD).No.11488 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 22.06.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

**W.P.(MD).No.11488 of 2016
and
W.M.P.(MD).No.8794 of 2016**

M.Thangaraj

... Petitioner

Vs.

1.The Commissioner of Revenue Administration,
Elizhagam,
Chepauk,
Chennai – 5.

2.The District Collector,
Pudukottai District.

3.The Tahsildar,
Taluk Office,
Aranthanki,
Pudukottai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the first respondent pertaining to its order bearing Na.Ka.No.Va.Ni.2(2)/27560/2009 dated 15.04.2016 and to quash the same and consequently direct the respondents to grant minimum pension to the petitioner



W.P.(MD).No.11488 of 2016

in accordance with G.O.Ms.No.678 dated 16.11.2007 as well as the communication of the first respondent bearing No.Na.Va.Ni.2(2)/27560/2009 dated 11.03.2013 within a time frame that may be stipulated by this Court.

For Petitioners : Mr.S.C.Herold Singh

For Respondents : Mr.M.Lingadurai,
Special Government Pleader.

ORDER

This Writ Petition is filed challenging the order dated 15.04.2016 and to quash the same and consequently direct the respondents to grant minimum pension to the petitioner in accordance with G.O.Ms.No.678 dated 16.11.2007 as well as the communication of the first respondent dated 11.03.2013.

2. The petitioner had served as Village Munsif (Village Assistant) from 01.07.1975 to 14.11.1980. Subsequently, the Government abolished the said post. There were several representations from the Village Assistant to appoint them as Government servant. Thereafter, the Government by considering the claim of such candidates, granted appointment to several persons including the petitioner. The petitioner subsequently has served from 2009 to 2011 as Village Administrative Officer. Now, the petitioner is seeking minimum pension by



W.P.(MD).No.11488 of 2016

including the service rendered from 2009 to 2011 by adding the service from 01.07.1975 to 14.11.1980. The respondents have rejected the same through the impugned order. But the petitioner has relied on G.O.Ms.No.678 dated 16.11.2007. Based on the Court orders, the respondents have passed the said Government Order.

3. The issue of Village Assistant serving in the said post prior to the abolition is considered by subsequent Hon'ble Division Bench, where it has been held that the service rendered as Village Assistant as a part time employee cannot be counted along with the regular service, since the post of Village Assistant has been declared as a part time job in the service rules itself. Therefore, this Court is not inclined to entertain this Writ Petition. The learned Special Government Pleader submitted that the petitioner is already receiving Special Pension which the Government has granted for such persons and he had drawn Rs.9388/- pension for the month of May, 2023. Therefore, it is evident from the records that the petitioner is receiving the special pension. Hence, the petitioner is not entitled to regular pension.



W.P.(MD).No.11488 of 2016

WEB COPY

4. Hence, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

22.06.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr

To

- 1.The Commissioner of Revenue Administration,
Elizhagam,
Chepauk,
Chennai – 5.
- 2.The District Collector,
Pudukottai District.
- 3.The Tahsildar,
Taluk Office,
Aranthanki,
Pudukottai District.



WEB COPY



W.P.(MD).No.11488 of 2016

S.SRIMATHY, J.

Nsr

W.P.(MD).No.11488 of 2016

22.06.2023