



W.P.(MD).No.2653 of 2016

THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.2653 of 2016

and

W.M.P.(MD).No.2360 of 2016

E.Shanmugavel Thevar

... Petitioner

Vs.

1.The District Collector,
Office of District Collector,
Tirunelveli.

2.The Sub Collector,
Cheranmahadevi,
Tirunelveli District.

3.The Tahsildhar,
Office of Tahsildhar,
Ambasamudram Taluk,
Tirunelveli District.

... Respondents



W.P.(MD).No.2653 of 2016

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned order passed by the third respondent dated 07.05.2015 in W.P. 2653/15 (MD) and quash the same and consequently direct the first respondent to regularize the service of the petitioner notionally with effect from 16.01.1967, the date on which the petitioner completes five years of service under contingent establishment in terms of G.O.Ms.No.52 Finance (FR.II) dated 14.01.1977 and to disburse the retirement and other pensionary benefits of the petitioner within the time fixed by this Court.

For Petitioner : Mr.R.Senthil Kumar

For Respondents : Mr.N.Muthuvijayan,
Special Government Pleader.

ORDER

This Writ Petition is filed for Writ of Certiorarified Mandamus to quash the impugned order 07.05.2015 with a consequential relief to regularize the service of the petitioner notionally and to disburse the retirement and other pensionary benefits of the petitioner.



W.P.(MD).No.2653 of 2016

2. The issue pertaining to calculate the service rendered as part time Village Karnam was decided by the Hon'ble Division Bench in W.A.(MD)No. 1629 of 2018 batch, wherein it is held that as per Service Rules since the post itself is a part time post, then the employee is not entitled to calculate 50% of the said part time service for calculating the pensionable service. It is an admitted fact that the Panchayat Clerk is also part time service and hence the said service cannot be taken for calculating the pensionable service. Therefore, the petitioner is not entitled to calculate part time service.

3. Hence, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

16.02.2023

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



W.P.(MD).No.2653 of 2016

To
WEB COPY

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W.P.(MD).No.2653 of 2016

S.SRIMATHY, J.

Nsr

W.P.(MD).No.2653 of 2016

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