



W.P.(MD).No.25385 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 31.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.25385 of 2023

K.Rajakannu

... Petitioner

Vs.

1. The Principal Secretary,
Department of Revenue,
Directorate of Revenue and Administration,
Chepauk, Chennai.
2. The Secretary,
Revenue and Disaster Management,
Government of Tamil Nadu,
Secretariat, Chennai.
3. The Principal Accountant General (A & E)
Pension Payment Section,
Accountant Head Quarters,
Chennai – 18.
4. The District Collector,
Pudukottai District,
Pudukottai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus, directing the respondents 1



W.P.(MD).No.25385 of 2023

to 4 to calculate and sanction the monthly pension based on the petitioner 26 years service by way of consider his representation dated 29.05.2023.

For Petitioner : Mr.S.Sivakumar

For Respondents : Mr.S.Shaji Bino
Special Government Pleader
For R1, R2 and R4

: Mrs.Mahalakshmi
Standing Counsel – for R3

ORDER

The present Writ Petition has been filed by a retired Village Assistant seeking a mandamus to calculate and sanction monthly pension based upon his services as a Village Karnam between the year 1973 to 1980.

2. According to the learned counsel appearing for the writ petitioner, the writ petitioner was appointed as a Village Karnam in the year 1973 and he was dis-engaged due to change of policy by the Government in the year 1980. He was out of employment till 28.11.1990 on which date he was appointed as a Village Assistant as a fresh appointment. The petitioner on his request retired under Voluntary Retirement Scheme on 31.08.2009. He was receiving regular pension.

2/7



W.P.(MD).No.25385 of 2023

WEB COPY

3. The petitioner herein had approached this Court in W.P(MD) No. 7477 of 2018, seeking a mandamus directing the respondents to provide pension, family pension, arrears and other monetary benefits, based upon the representation, dated 16.10.2017. This Court after perusing the representation found that the petitioner has sought for a special pension taking into consideration his services as a Village Karnam from the year 1973 to 1980. This Court, by order, dated 06.04.2018, directed the authorities to consider the petitioner's representation on merits and in accordance with law with regard to the request of the petitioner for grant of pension by calculating his past services as Karnam.

4. In compliance with the said order, the respondents herein has passed G.O.Ms.No.139, Revenue and Disaster Management Department, dated 06.03.2020, wherein, special pension has been awarded to the writ petitioner calculating the services from 16.07.1973 to 14.11.1980. As per the said Government Order, the monetary benefits were disbursed to him with effect from 06.03.2020. Without challenging the said Government Order, the present writ petition has been filed seeking a mandamus to give him special pension by calculating the services from the year 1973 to 1980 also.



W.P.(MD).No.25385 of 2023

WEB COPY

5. The learned counsel appearing for the writ petitioner had contended that when the petitioner is eligible for a special pension for the period between the year 1973 to 1980, the monetary benefits cannot be restricted from the date of Government Order, dated 06.03.2020.

6. Per contra, the learned Special Government Pleader appearing for the respondents 1, 2 and 4 herein pointed out that there is no provision for calculating the service of the Karnam while awarding pension to the writ petitioner. However, in view of the order passed by this Court in W.P(MD) No.7477 of 2018, special pension was ordered to the writ petitioner by calculating the services between the year 1973 to 1980. Therefore, the writ petitioner has no legal right to seek for special pension from the date of his retirement.

7. I have carefully considered the submissions made by the learned counsel on either side and perused the material on records.



W.P.(MD).No.25385 of 2023

WEB COPY

8. Admittedly, the petitioner had retired on 31.08.2009 under the Voluntary Retirement Scheme. A perusal of the typed set of papers would clearly indicate that there is no Government Scheme or any Pension Rule which provides for calculating the services of the petitioner as a Village Karnam, as he rendered between the year 1973 to 1980. As a special concession, the Government has granted special pension based upon the orders passed by this Court in W.P(MD) No.7477 of 2018, dated 06.04.2018. Therefore, it is clear that the petitioner does not any legal right to seek for special pension for the period during which he had served as a Village Karnam between the year 1973 to 1980. However, the Government by way of concession has granted a special pension from 06.03.2020 onwards.

9. In view of the fact that this Court does not find any legal right to seek for special pension, the present writ petition seeking a mandamus is not maintainable. That apart, the petitioner has not chosen to challenge the G.O.Ms.No.139, dated 06.03.2020, under which, the special pension was awarded only from the date of the said Government Order.



W.P.(MD).No.25385 of 2023

WEB COPY

10. In view of the above said facts, there is no merit in the Writ Petition. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs.

31.10.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

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2. The Secretary,
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6/7



WEB COPY



W.P.(MD).No.25385 of 2023

R.VIJAYAKUMAR,J.

ebsi

W.P(MD)No.25385 of 2023

31.10.2023