





COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, seeking for a writ of Mandamus, directing the respondents to refix petitioners' pension and to grant all other pensionary benefits by considering the entire period of petitioners service in the post of Village Assistant from 06.02.1982 to 31.05.2013 and 31.10.1971 to 31.08.2009 including taking into account of the temporary service in the post of Vettiyan from 06.02.1982 to 31.05.1995 and 31.10.1971 to 31.05.1995 as qualifying service respectively.

For Petitioner : Mr.M.Marappan
[in both W.Ps]

For Respondents : Mr.T.Chezhiyan
[in both W.Ps] Additional Government Pleader

COMMON ORDER

The petitioners have filed these petitions seeking a writ of mandamus, directing the respondents to refix their pension and to grant all other pensionary benefits.

2. Heard Mr.M.Marappan, learned counsel for the petitioners and Mr.T.Chezhiyan, learned Additional Government Pleader for the respondents and perused the materials available on record.



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3. The petitioner in W.P.No.2488 of 2021 has been appointed as Vettiyan (Village Assistant) at Lathuvadi Village, Tiruchengodu Taluk on 06.02.1982 and retired from service in the said post on 31.05.2013. The petitioner in W.P.No.2489 of 2021 has been appointed as Village Assistant at Vattur Village, Tiruchengodu Taluk on 31.10.1971 and retired from service in the said post on 31.08.2009. Their services have been regularised as per G.O.(Ms)No.625 Revenue Department dated 06.07.1995 w.e.f. 01.06.1995 in the cadre of Village Assistant and the petitioners continued to be in service till their retirement i.e. on 31.05.2013 and 31.08.2009 respectively. After their retirement, the petitioners' services from 01.06.1995 to 31.05.2013 and 01.06.1995 to 31.08.2009 respectively alone had been taken into account for the purpose of calculating the pension. Hence, the petitioners have filed these Writ Petition for including their past services along with their services subsequent to regularisation and to refix the pension accordingly.

4. This issue has already been challenged by similarly placed person by filing ***W.P.Nos.12033 & 19550 of 2020*** wherein this Court has



passed an order by adding 50% of the past services of the petitioner as Village Assistant prior to regularisation.

5. For the sake of clarity, the operative portion of the above order [W.P.Nos.12033 & 19550 of 2020 dated 15.03.2024 [C.Kalavathy Vs. State of Tamil Nadu and others]] is extracted as under:-

*“27. In view of the above said reasons, these Writ Petitions are **disposed** and the respondents are directed to compute the qualifying service of the petitioner's husband by adding 50% of his past services from 23.04.1984 to 31.05.1995 with his services rendered from 01.06.1995 to 06.08.2001 in order to accommodate the petitioner's family pension to be granted under Rule 9(2) and sanction the same and issue orders accordingly within a period of six months from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petitions are closed.”*

6. Since the petitioners are also similarly placed, their cases would also have the similar line of appreciation that was considered in the above Writ Petition. Hence these petitioners are also entitled to the same



relief as already granted to the other similarly placed person in the earlier judicial order.

7. In view of the above said reasons, these Writ Petitions are **disposed** and the respondents are directed to compute the qualifying service of the petitioners' by adding 50% of their past services from 06.02.1982 to 31.05.2013 and 31.10.1971 to 31.08.2009 respectively with their services rendered from 01.06.1995 to 31.05.2013 and 01.06.1995 to 31.08.2009 respectively in order to accommodate the petitioners' family pension to be granted under Rule 9(2) and sanction the same and issue orders accordingly within a period of six months from the date of receipt of a copy of this order. No costs.

22.03.2024

Speaking order / Non-speaking order

Index : Yes / No

Internet : Yes

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To
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- 1.The Secretary
State of Tamilnadu,
Revenue Department,
St. George Fort,
Chennai - 600 009.
- 2.The District Collector,
Namakkal District, Namakkal.
- 3.The Tahsildar,
Tiruchengodu Taluk Office,
Tiruchengodu
Namakkal District.



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W.P.Nos.2488 & 2489 of 2021



R.N.MANJULA, J.

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W.P.Nos.2488 & 2489 of 2021

22.03.2024