



W.P.No.21968 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 05.03.2024

Pronounced on : .06.2024

CORAM :

THE HONOURABLE **DR. JUSTICE D.NAGARJUN**

W.P.No.21968 of 2015

and

M.P.No.1 of 2015

S.Janaki

....Petitioner

Vs.

1. Government of Tamil Nadu,
Rep. by its Secretary to Government,
Revenue Department,
Fort St.George,
Chennai - 600 009.
2. The Commissioner of Revenue Administration,
Chepauk, Chennai - 600 005.
3. The District Collector,
Trichy District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a writ of certiorarified mandamus, calling for records which culminated in issuing the order in G.O.(Ms)No.455, Revenue (Pani 8(2)) Department dated 18.11.2013 on the file of the first respondent, quash the same insofar as it confers payment of pension to the petitioner's husband prospectively



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from the date of issuance of the same and consequently direct the respondents to grant minimum pension to the petitioner's husband late S.R.Srinivasachari in the post of Village Administrative Officer from the date of his retirement on 01.10.1984 with all consequential monetary benefits in the light of the order passed by the Government in G.O.Ms.No.148, Revenue Department dated 20.04.2011 conferring minimum pension in favour of similarly placed persons like the petitioner.

For petitioner	:	Mr.S.Mani
For respondent	:	Mr.Vadivelu Deenadayalan Additional Government Pleader

ORDER

This writ petition has been filed seeking to issue certiorarified mandamus to quash the G.O.(Ms)No.455, Revenue (Pani 8(2)) Department dated 18.11.2013 issued by the first respondent, conferring payment of pension to the petitioner's husband prospectively from the date of its issue and to direct the respondents to grant minimum pension to the petitioner's husband from the date of his retirement on 01.10.1984 with all consequential monetary benefits in the light of the order passed by the Government in G.O.Ms.No.148, Revenue Department dated 20.04.2011 conferring minimum pension in favour of similarly placed persons like the petitioner.



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2. The facts in brief as per the affidavit enclosed in this writ petition are as follows:

2.1. The petitioner's husband was appointed as a Village Karnam on 01.10.1970. While he was working in Ayanperaiyur Village, on 14.11.1980 the said post was abolished by way of Government Order. Subsequently, based on the orders of the Hon'ble Supreme Court and various Government Orders were issued to accommodate those who lost their job as Village Karnam, including the petitioner's husband. Accordingly, the petitioner's husband who lost the job as a Village Karnam was appointed as Village Administrative Officer and retired on 01.10.1984 after attaining the age of superannuation on 01.10.1984.

2.2. As per the proceedings dated 22.05.1998, the petitioner's husband was granted pension at the rate of Rs.175/- considering the service rendered by him in the post of Village Karnam from 01.10.1970 to 14.11.1980. However, minimum pension was not paid to the petitioner's



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husband as per G.O.Ms.No.756, Revenue Department dated 17.08.1993.

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2.3. The Government has issued various orders including G.O.Ms.No.756, Revenue Department dated 17.08.1993 granting minimum pension to Village Administrative Officers. The Government also passed G.O.Ms.No.148, Revenue Department dated 20.04.2011 stating that those Village Administrative Officer who were re appointed are eligible for pension not from the date of their respective re appointment in the post of Village Administrative Officer but from 14.11.1980, the date from which they were ousted from the post of Village Karnam.

2.4. The petitioner's husband approached the officer of the third respondent seeking for pension as per the Government Orders and he has submitted his representations dated 16.06.2012. He has filed W.P.No.32595 of 2012 and this Court by an order 06.12.2012 directed the petitioner's husband to send a copy of the representation dated 14.06.2012 to the first respondent and the first respondent was directed to consider the said representation in accordance with law. Basing on the directions of this



Court, the respondents have passed impugned G.O.Ms.No.455, Revenue (Pani- 8(2)) Department dated 18.11.2013 and ordered the first respondent for payment of minimum pension to the petitioner husband not from the date of retirement of the petitioner's husband on 30.09.1984 but from the date of the order of the G.O., viz., 18.11.2013. Thereby, the petitioner's husband as denied pension for 29 years. Hence, this writ petition is filed.

2.5. It is submitted by the learned counsel for the petitioner that the impugned orders of the first respondent are arbitrary, discriminatory and against the various orders passed by this Court as well as the Government and that the impugned orders passed by the Government are contrary to G.O. Ms. No.756, Revenue Department dated 17.08. 1 1993 which provides for grant of minimum pension from the date of retirement in the re-appointed post.

2.6. It is submitted by the learned counsel for the petitioner that the government issued G.O. Ms. No. 148, Revenue dated 20.04.2011. By virtue of the said Government order, the Government granted minimum pension to



the erstwhile Village Karnams who were rendered jobless due to promulgation of the ordinance by the Government, such minimum pension was ordered to be paid from, 01.10.1984 till the date on which the individual retired from service and in the annexure to the said order, the names of the beneficiaries were mentioned. In serial No. 106 thereof, the name of one Mr. N.S.Balasubramanian was included, who joined the re-appointed post on 01.09.1982 and retired within two years on 30.06.1984. It is further submitted that similar is the case of the petitioner's husband and therefore, the petitioner's husband ought to have been granted minimum pension from 01.10.1984 retrospectively and not prospectively from the date of issuance of the impugned order by which the petitioner's husband was denied minimum pension for about 29 years till the date of his death and further submitted that the impugned order can therefore be construed as discriminatory and on that ground also, it is liable to be set aside.

3. The respondents have filed counter affidavit stating that the petitioner's husband was initially appointed as a Village Karnam at Perambalur district on 01.10.1970 and worked till this post was abolished on



14.11.1980. Subsequently based on his educational qualification the petitioner was appointed as a Village Administrative Officer on 30.08.1982 and retired from service on attaining the age of superannuation on 30.09.1984.

4. It is submitted by the learned counsel for the respondent that the petitioner's husband is not eligible for pension in the cadre of Village Administrative Officer as his total service was less than 10 years, the Government has sanctioned Rs.175/- per month as a special pension to the petitioner's husband w.e.f 05.12.1986 and that the petitioner's husband has filed W.P.No.32595 of 2012 to grant minimum pension basing on the orders passed in the Division Bench of this Court in W.P.Nos.20747 and 26540 of 2008 and that these writ petitions have been filed by the petitioner's husband and the same was disposed on 06.12.2012 with a direction to the petitioner to send a copy of the representation dated 14.06.2012 to the first respondent and to consider the same in accordance with law. It is further submitted that the said representation was considered and rejected by the petitioner, the Government has issued G.O.Ms.No.148 Revenue Department, dated



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20.04.2011 sanctioning minimum pension for 199 retired Village Administrative Officers, by relaxing Rule 43 of the Tamil Nadu Pension Rules, 1978 and accordingly, the petitioner's husband was granted minimum pension even though he has not completed 10 years of service, as per G.O.Ms.No.455, Revenue [Service-8(2)] Department dated 18.11.2013 mentioning that the order takes effect from the date of issue. The petitioner could not challenge the said Government Order as it was the policy decision of the Government.

5. Heard both sides and perused the materials available on record.

6. The grievances of the petitioner is that even though the petitioner was granted minimum pension as per G.O. (Ms).No.455, Revenue [Services-8(2)] Department, dated 18.11.2013, the said Government Order came into effect from the date of issuance of the said order and it should have been from the date of retirement of the petitioner husband.

7. It is vehemently submitted by the learned counsel for the



petitioner that as per G.O.(Ms).No.756, Revenue Department, dated 17.10.1993, the petitioner's husband shall get a minimum pension as Village Administrative Officer. There is no clarity even from the respondents that when G.O.(Ms).No.756, Revenue Department, dated 17.10.1993, is available why orders have been issued in G.O. (Ms).No.455, Revenue [Services-8(2)] Department, dated 18.11.2013 for similar purpose.

8. Since the petitioner retired on 01.10.1984 on attaining the age of superannuation, the petitioner should get minimum pension from 17.08.1993 which is date of issuance of G.O.(Ms).No.756, Revenue Department, dated 17.10.1993. However, by virtue of the G.O. (Ms).No.455, Revenue [Services-8(2)] Department, dated 18.11.2013 the petitioner started getting minimum pension only from 18.11.2013. As per G.O.(Ms).No.756, Revenue Department, dated 17.10.1993, Village Administrative Officers those who have completed 10 years of service were sanctioned minimum pension. As per G.O.Ms.No.148 Revenue Department, dated 20.04.2011, minimum pension was order to be given to 199 retired Village Administrative Officers, by relaxing Rule 43 of the Tamil Nadu Pension Rules, 1978, which



specifically speaks that the petitioner's husband be granted minimum pension from the date of issuance of the Government Order.

9. Further the issue involved in this writ petition is no longer res integra . By order dated 28.11.2008, while allowing WP Nos. 20747 of 2008 and 26540 of 2008, this Court was pleased to hold that the issue relating to grant of minimum pension was already settled by virtue of the decision rendered by the Division Bench of this Court in WP No. 2648 of 2007. Further, by order dated 27.10.2009, this Court in WP No. 3075 of 2009 considered similar issue and directed the respondents therein to sanction minimum pension to the petitioners therein. In the said order dated 27.10.2009, this Court relied on the earlier orders passed by this Court in WP No. 2646 of 207 dated 20.02.2007 and WP No. 1838 of 2008 dated 24.01.2008. Thus, the issue of granting minimum pension to the Village Administrative Officers has been settled by series of decisions rendered by this Court and based on the same, the petitioner's husband late. S.R.Srinivasachari is also entitled for grant of minimum pension in his favour.



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10. In view of the above, it is clear that the judgment in W.P.No.2648 of 2007 has ruled out that the petitioner therein was entitled for minimum pension. The petitioner's husband was granted minimum pension as per G.O.(Ms)No.455, Revenue (Pani 8(2)) Department dated 18.11.2013 in the year 2013. But since G.O.(Ms).No.756, Revenue Department, dated 17.10.1993 is in existence, the petitioner is entitled for minimum pension as mentioned in G.O.(Ms).No.756, Revenue Department, dated 17.10.1993 from 12.10.1993 and not from 18.11.2013 as per G.O.(Ms)No.455, Revenue (Pani 8(2)) Department dated 18.11.2013.

11. Accordingly, this writ petition is allowed. Connected M.P.is closed. No costs.

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Index	:	Yes/No
Internet	:	Yes/No
Citation	:	Yes/No



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Dr.D.NAGARJUN,J.

vca

To:

1. The Secretary to Government,
Revenue Department,
Fort St.George,
Chennai - 600 009.
2. The Commissioner of Revenue Administration,
Chepauk, Chennai - 600 005.
3. The District Collector,
Trichy District.

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