



WEB COPY



W.P.No.24005 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.24005 of 2021

Tmt.G.Ananthi

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep by its Secretary,
Revenue Department,
St.George Fort, Chennai 600 009.

2.The District Collector,
Namakkal District,
Namakkal.

3.The Tahsildar,
Tiruchengodu Taluk Office,
Tiruchengodu,
Namakkal District.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to re-fix the pension and all other pensionary benefits to the petitioner's husband Late P.Gunasekaran in the post of Village Assistant from the date of his first appointment in Government Service as Village Watchman from 27.03.1984 to till the date of his retirement on 31.03.2014 (including the



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regularisation periods of his service in the post of Village Assistant) as qualifying service for pension and all other pensionary benefits within a reasonable time as may be fixed by this Court.

For Petitioner : No appearance
For Respondents : Mr.M.Rajendran, AGP

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus to direct the respondents to re-fix the pension and all other pensionary benefits to the petitioner's husband Late P.Gunasekaran in the post of Village Assistant from the date of his first appointment in Government Service as Village Watchman from 27.03.1984 to till the date of his retirement on 31.03.2014 (including the regularisation periods of his service in the post of Village Assistant) as qualifying service for pension and all other pensionary benefits within a reasonable time as may be fixed by this Court.

2. No representation for the petitioner. Heard Mr.M.Rajendran, learned Additional Government Pleader for the respondents.

3. The petitioner's husband was initially appointed as Village Watchman on 27.03.1984 and he was regularised on 01.06.1995 in the



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post of Village Assistant. He retired on 31.03.2014, but his pension and pensionary benefits were sanctioned only for the period from the date of regularisation to till the date of retirement and not from the date of initial appointment. The petitioner's husband died on 22.05.2016 and the petitioner is receiving family pension.

4. According to the petitioner, as per the Rule 11(4) of the Tamil Nadu Pension Rules, 1978, half of the service rendered by the employee under non-provincialized service shall be allowed to be accounted for pensionary / retirement benefits along with regular service. In this regard, the petitioner sent a representation to the respondents on 23.02.2019 to re-fix the pension of her late husband P.Gunasekaran and all other pensionary benefits from the date of his first appointment to till the date of his retirement. But no fruitful action has been taken by the respondents with regard to the representation given by the petitioner. Therefore, the petitioner is before this Court seeking the above direction.



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5. The learned Additional Government Pleader for the respondents submitted that if short time is given, the representation submitted by the petitioner will be considered.

6. In view of the above submission of the learned Additional Government Pleader, the respondents are directed to consider the representation of the petitioner dated 23.02.2019 and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. No costs.

23.01.2024

Index : Yes /No
Internet : Yes/No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk



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To

- 1.The Secretary,
Revenue Department,
St.George Fort, Chennai 600 009.
- 2.The District Collector,
Namakkal District,
Namakkal.
- 3.The Tahsildar,
Tiruchengodu Taluk Office,
Tiruchengodu,
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R.N.MANJULA, J.

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