



W.P.No.28963 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.28963 of 2024

1.A.Subramanian

2.R.Swaminathan

3.D.Suriyamoorthy

4.S.Kaliaperumal

5.S.Krishnamoorthy

6.S.Krishnamoorthy

7.A.Govindasamy

8.P.Shanmugam

9.R.Ramadoss

10.D.Elangovan

11.C.Dekshinamoorthy

12.K.Dekshinamoorthy

.. Petitioners

Vs.

1.Additional Chief Secretary to the Government,
Revenue Department,
The Secretariat, Chennai – 600 009.



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2.The Commissioner,
Revenue Department,
Ezhilagam, Chepauk,
Chennai – 600 005.

3.The Accountant General (A&E),
Anna Salai, Teynampet,
Chennai – 600 018.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to take into account the entire period of service of petitioners from the date of their initial appointment as temporary Thalayaris / Village Assistants until 31.05.1995 followed by regularisation of such service with effect from 01.06.1995 confirmed through G.O.Ms.No.625, (Revenue Department) dated 06.07.1995 till the date of retirement as V.A.Os (Village Administrative Officer) for the purpose of calculation of pension as has been granted to similarly placed V.A.Os vide G.O.Ms.No.33 (Revenue Department) dated 25.01.2010 and G.O.Ms.No.173 (Revenue Department) dated 29.05.2014 besides directing the respondents 2 and 3 to fix their revised pension and pay it to the petitioners within time frame.

For petitioners : Mr.K.Ravi Ananda Padmanabhan
Senior Counsel
for Mr.B.Thirumalai

For Respondents : Mr.G.Velu
Additional Government Pleader

ORDER



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This writ petition has been filed for the issue of writ of mandamus directing the respondents to take into account the entire period of service of the petitioners from the date of their initial appointment as temporary Thalayaris / Village Assistants until 31.05.1995 followed by regularization of their services with effect from 01.06.1995 and which was confirmed by G.O.Ms.No.625 dated 06.07.1995 till the date of their retirement as Village Administrative Officers for the purpose of calculation of pension and to fix the revised pension and to extend all the attendant benefits to the petitioners.

2.Heard the learned Senior Counsel for the petitioners and the learned Additional Government Pleader for the respondents.

3.The case of the petitioners is that they are retired Village Administrative Officers. According to the petitioners, they are entitled to inclusion of their pre-revised period for calculation of pension and grant of full pension after regularization. However, while implementing the same, pursuant to the orders of the Hon'ble Supreme Court, in G.O.Ms.No.33 dated 25.01.2010 and G.O.Ms.No.173 dated 29.05.2014, the entire period of service as Village Assistants temporarily appointed up



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to 31.05.1995 was omitted for pension calculation and that even after regularizing the services as Village Assistants permanently from 01.06.1995, only 50% of their service period was taken into account for inclusion of pension until they were promoted as Village Administrative Officers and that full period of Village Administrative Officer was taken into account for calculation of pension.

4.The petitioners are relying upon the recent orders passed in batch of writ petitions in W.P.Nos.18734 etc, batch of 2020, dated 18.03.2024 and the relevant portions are extracted hereunder:

“35.In view of the above discussions these batch of writ petitions are disposed with the following observation and directions:

(i) Those who lost their job on 14.11.1980 and who never got re-employment were given with a special pension with effect from 05.12.1986. Hence, there is no question of granting any further relief for them than what has already been granted.

(ii) For those village assistants whose services have been regularised as on 01.06.1995 but continued to be in service, till



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retirement, half of their past services shall be included along with the whole of their services rendered subsequent to their regularisation till retirement and computed as qualifying years of service for the purpose of pensionary benefit.

(iii) The respondents are directed to consider the representations of all those petitioners who are qualified as above (ii), for inclusion of 50% of their past services for the purpose of pensionary benefits and pass revised orders for sanctioning and disbursing the same within a period of 8 weeks from the date of receipt of the copy of this order.

(iv) No costs. Consequently, the connected miscellaneous petitions are closed.”

5.The petitioners are claiming that they are also similarly placed and that they are also entitled for the same relief and that their claim was not considered. It is under these circumstances, the present writ petition came to be filed before this Court.



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6.Taking into consideration the facts and circumstances of the case and the materials that have been placed before this Court and the relevant Government Orders and also the order that was passed in batch of writ petitions in W.P.Nos.18734 etc., batch of 2020 dated 18.03.2024, there shall be a direction to the petitioners to submit individual representation to the 1st respondent along with all the relevant documents and also a copy of this order. The 1st respondent, on receipt of the same, shall deal with the representation in line with the observations made by this Court and pass final orders within a period of twelve (12) weeks from the date of receipt of the individual representation from the petitioners. A copy of the representation shall also be marked to the respondents 2 & 3.

7.In the result, this Writ Petition is disposed of with the above directions. No costs.

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Index : Yes / No

Internet : Yes / No



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Neutral Citation : Yes / No

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To

- 1.Additional Chief Secretary to the Government,
Revenue Department,
The Secretariat, Chennai – 600 009.
- 2.The Commissioner,
Revenue Department,
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Chennai – 600 005.
- 3.The Accountant General (A&E),
Anna Salai, Teynampet,
Chennai – 600 018.



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