



W.P(MD)No.3700 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.02.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD)No.3700 of 2024

K.Karuppasamy

... Petitioner

Vs.

**1.The Secretary to Government,
Revenue Department,
St.George Fort, Secretariat,
Chennai-600 009.**

**2.The Commissioner of Revenue Administration,
Ezhilagam,
Chepauk, Chennai-600 005.**

**3.The District Collector,
Tuticorin District,
Tuticorin.**

... 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 to consider the petitioner's representation dated 23.11.2021 and pass orders by considering the petitioner's 50% of service as Village Assistant from 21.12.1983 to 31.05.1995 along with the petitioner's regular service as Village Assistant from 01.06.1995 to 02.01.2017 and Village Administrative Officer from 03.01.2017 to 31.05.2018 for calculating the petitioner's pension as per



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Tamilnadu Pension Rules, 1978 and to consequently direct the respondents to send revised pension proposals and to grant revised pension to the petitioner within a specified time.

For Petitioner : Mr.A.Jayaramachandran

For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

The present writ petition has been filed seeking direction to the respondents to consider the petitioner's representation dated 23.11.2021 and pass orders by considering the petitioner's 50% of service as Village Assistant from 21.12.1983 to 31.05.1995 along with the petitioner's regular service as Village Assistant from 01.06.1995 to 02.01.2017 and Village Administrative Officer from 03.01.2017 to 31.05.2018 for calculating the petitioner's pension as per Tamilnadu Pension Rules, 1978 and to consequently direct the respondents to send revised pension proposals and to grant revised pension to the petitioner within a specified time.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.



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3. The petitioner's paternal grand father one Gurusamy was serving as Thalaiyari at Nagampatti Village, Ottapidaram Taluk, Tuticorin District and he passed away on 13.05.1978. Hence, the petitioner was temporarily appointed in the same post on 20.07.1978 by the Tahsildar, Ottapidaram and his service was extended from time to time till 20.12.1983. Thereafter, vide proceedings, dated 21.12.1983, the Tahsildar issued an appointment order confirming his appointment and thereafter, he served in the said post uninterruptedly till 31.05.1995.

4. In the meanwhile, the post of Grama Kavalar (Village Assistant) was re-designated as Village Assistant with effect from 01.06.1995 as per G.O(Perm) No.625 Revenue Department, dated 06.07.1995 and he served till 02.01.2017. Thereafter, vide proceedings of the District Revenue Officer, dated 29.12.2016, he was promoted as Village Administrative Officer with effect from 03.01.2017. Following which, he was posted as Village Administrative Officer at Podupatti, Ettaiyapuram Taluk, Tuticorin District wherein he served till his retirement on 31.05.2018. After his retirement, the respondents sanctioned pension to the petitioner by calculating the period of his service as



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Village Assistant from 01.06.1995 to 02.01.2017 and Village Administrative Officer from 03.01.2017 to 31.05.2018 thereby failing to consider his service rendered as Village Assistant from 21.12.1983 to 31.05.1995.

5. The Hon'ble Division Bench of this Court has passed an order on W.A(MD)No.370 of 2019 deciding in clear terms that 50% of the petitioner's service put in the post of Village Assistant has to be taken into account for the purpose of calculating pension, considering Rule 11 (4) of the Tamil Nadu Pension Rules, 1978. The 1st respondent was also directed to pass orders counting 50% of the services of the petitioner put in as Thalayari for the period from 07.01.1983 to 31.05.1995, for the purpose of calculation of pension along with regular services served by him as Village Assistant and Village Administrative Officer. A similarly placed person in the similar line was also granted with similar order by this Court.

6. Hence, the petitioner made representation to the respondents on 23.11.2021 seeking to consider his 50% of service as Village Assistant from 21.12.1983 to 31.05.1995 along with his regular service as Village Assistant from 01.06.1995 to 02.01.2017 and Village Administrative Officer from



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03.01.2017 to 31.05.2018 for calculating his pension in the line of the order passed by this Court in W.A(MD)No.370 of 2019, dated 22.10.2019 and grant revised pension along with other monetary benefits. However, the same was not considered. Hence, this writ petition came to be filed.

7. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondent to consider the same on its own merits and pass appropriate orders in one way or other instead of keeping the same pending indefinitely. As such, non-consideration of the representation made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

8. Without going into the merits of the case, this Court hereby directs the respondents to consider the representation of the petitioner, dated 23.11.2021 and pass appropriate orders in accordance with law within a period of four (4) weeks from the date of receipt of copy of this order.



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9. With the above said observations, this Writ Petition stands disposed
of. No costs.b

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

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To

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L.VICTORIA GOWRI, J.

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