



WP(MD) No.4356 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.07.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.4356 of 2024

and

W.M.P(MD)No.4178 of 2024

K.Dharmaraj @ Vijayakrishnan

... Petitioner

Vs.

1.Accounts and Audit General,
Anna Salai,
Chennai-600 018.

2.The Revenue Divisional Officer,
Sivakasi Taluk,
Sivakasi-626 189.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the impugned order passed by the first respondent in his proceedings in Pen 1/unit 3/PPT 17051/23=24 dated 11.09.2023 and to quash the same and consequentially directing the respondents to incorporate the family pension in the pension book PPO.R.2616486 of the petitioner within a time frame as may be fixed by this Court.

For Petitioner : Ms.P.Jessi Jeeva Priya



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For R2 : Mr. S.Shanmugavel
Additional Government Pleader
For R1 : Ms.S.Mahalakshmi

ORDER

The petitioner has filed this writ petition to quash the order passed by the first respondent in his proceedings in Pen 1/unit 3/PPT 17051/23=24 dated 11.09.2023 and to direct the respondents to incorporate the family pension in the pension book PPO.R.2616486 of the petitioner within a time frame as may be fixed by this Court.

2. Heard Ms.Jessi Jeeva Priya, learned counsel for the petitioner, Mr.S.Shanmugavel, learned Additional Government Pleader for the second respondent and Ms.S.Mahalakshmi, learned counsel for the first respondent.

3.The petitioner was appointed as a Village Headman on 09.10.197 and thereafter, by way of a policy decision taken by the Government, he was ousted from that post. Thereafter, he was appointed as Assistant with effect from 01.01.1991 and he retired from service on 31.05.2007. The petitioner claims benefit under G.O.Ms.No. 828, Revenue Department, dated 23.08.1986 under which a decision



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was taken to grant pension to all the Village Headman. Since the petitioner was in service from 05.12.1986 as Village Headman till 31.12.1990, the petitioner is entitled to receive pension.

4.The petitioner already filed a writ petition in W.P. (MD)No.3822 of 2014 subsequent to his retirement, seeking to settle all his retirement benefits. This Court, in that writ petition, has issued the following directions:

“a)The petitioner is directed to submit a representation along with the particulars of petitioner's service as Panchayat Assistant from 1991 to 2007 within a period of four weeks from the date of receipt of a copy of this order.

b)The petitioner is also permitted to exercise his option whether to he get pension which is applicable to the post of Panchayat Assistant or to claim the benefit of G.O.Ms.No.828, Revenue Department, dated 23.08.1996 as clarified by the Government in the letter, dated 25.02.1997.

c)The District Collector shall pass appropriate orders within a period of six weeks from the date of such representation. Since the Collector is the competent authority, he may also verify the particulars about the



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employment of the petitioner as Panchayat Assistant from 1991 to 2007. If the petitioner is eligible for pension, the same shall be disbursed with arrears without interest within twelve weeks from the date of receipt of a copy of this order. If there is further delay, the petitioner is entitled to interest at 12%.”

5.As per the above order, the petitioner has to exercise his option either to get pension, which is applicable to the post of Panchayat Assistant or to claim benefit under G.O.Ms.No.828, Revenue Department, dated 23.08.1996 has clarified by the Government letter dated 25.02.1997.

6.The learned counsel for the petitioner submitted that the petitioner has exercised his option to get the benefit only under G.O.Ms.No.828, Revenue Department, dated 23.08.1996. Even as per the clarification given by the Government, the ex-village officers, who lost their service on 14.11.1980 and died before 05.12.1986, are eligible to get pension of Rs.100/- per month. The specific contention made by the petitioner is that the Government Order in G.O.Ms.No.828, Revenue Department, dated 23.08.1996 does not state about the outer limit of the



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date of death of the Headman in order to make the widow to be eligible to get family pension of Rs.100/- per month. It is obviously for that reason, clarification has been made from the Office of the Deputy Accountant General (Pensions) and it is prerogative on the part of the Government to give clarification as to how they meant the order. The clarification stands good till today without any challenge by any of the beneficiaries/losers.

7.Even now, the petitioner did not challenge the clarification. But his limited prayer is to include the his wife's name also as family pensioner by giving benefit under G.O.Ms.No.828, Revenue Department, dated 23.08.1996.

8.Since the petitioner is very much alive, he cannot seek the benefit under G.O.Ms.No.828, dated 23.08.1996 and hence, the first respondent has rightly excluded that part of recommendation made by the employer of the petitioner. I find no reason, to interfere with the said order. Accordingly, this writ petition is **dismissed**.



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9.However, the third respondent is directed to clarify the following:-

(i)As to how the family pension is permitted to the persons, those who had opted to be given notional benefits under G.O.Ms.No.828, dated 23.08.1996 and who had taken the government services subsequent to their losing of services as Headman and retired from the Government services.

(ii) Whether such family pension will be under Government regular pension or the under G.O.Ms.No.828 dated 23.08.1996.

(iii)Whether the person, who lost the post of Headman as that of the petitioner on 14.11.1980 and alive after 05.12.1986, is eligible to get any pension.

No costs. Consequently, connected miscellaneous petition is closed.

02.07.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
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WEB COPY

To

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R.N.MANJULA, J.

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