



W.P.(MD).No.10801 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.06.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.10801 of 2021

V.Mohan

... Petitioner

Vs.

1.The Principal Secretary to Government
of Tamil Nadu,
Rural Development and Panchayat Raj,
Secretariat,
Chennai-600 009.

2.The Director,
Directorate of Rural Development and
Panchayat Raj Department,
Panagal Building,
Saidapet,
Chennai-600 015.

3.The Principal Accountant General,
(Accounts and Entitlement)
No.361, Annasalai,
Tenampet, Chennai-600 018.

4.The District Collector,
Pudukkottai.



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5. The Block Development Officer,
Kunnandarkovil Panchayat Union,
Kunnandarkovil Post,
Kulathur Taluk,
Pudukkottai District.

... 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 take into account 50% of the service rendered by the petitioner as writer and Panchayat Assistant from 19.06.1982 to 22.12.1999 for pensionary benefits and accordingly fix the petitioner.

For Petitioner : Mr.P.Ganapathi Subramanian

For R-1, R-2, R-4
& R-5 : Mr.K.S.Selvaganesan,
Government Advocate

For R-3 : M/s. S.Mahalakshmi,
Standing Counsel

ORDER

The present writ petition has been filed seeking direction to the respondents to take into account 50% of the service rendered by the petitioner as writer and Panchayat Assistant from 19.06.1982 to 22.12.1999 for pensionary benefits and accordingly fix the petitioner.



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2.Heard, the learned counsel appearing for either sides and carefully perused the materials on record.

3.(i)The petitioner was appointed as Part Time Panchayat Clerk at Kunnandarkovil Panchayat Union, Pudukkottai District on 19.06.1982. Thereafter, the petitioner was promoted as Junior Assistant on 23.12.1999. Thereafter, on attaining the age of superannuation, he retired from service on 30.04.2020.

(ii)Thereafter, he approached the respondents to include him under the old pension scheme as per the Tamil Nadu Pension Rules, 1978 and made several representations, last of which, was made on 25.05.2021. However, the same were not considered. Hence, this petition came to be filed.

4.The learned counsel appearing for the petitioner submitted that considering the fact that the petitioner has served before 01.04.2003 in a non-provisonalised service and thereafter, granted with time scale of pay.



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Therefore, his half of service should be taken into account for the purpose of grant of old pension based on the order passed in W.A.Nos.158 of 2016 batch, dated 03.12.2019 and prayed to allow the petition.

5.Per contra, the learned Special Government Pleader filed a counter submitted by the 2nd respondent and contended that the petitioner was never granted with time scale of pay, he was granted only with Special time scale of pay. From the date of appointment till the date of retirement, he served as a Part-time employee. Hence, prayed to dismiss the petition.

6.Considering the limited relief sought for by the petitioner, without going into merits of the case, I hereby direct the respondents to consider the representation submitted by the petitioner on 25.05.2021 and pass appropriate orders in accordance with law, within a period of twelve weeks (12) from the date of receipt of copy of this order.



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7. With the above directions, this writ petition stands disposed of. There shall be no order as to costs.

03.06.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

Sml

To

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L.VICTORIA GOWRI, J.

Sml

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