



W.P.(MD)No.16384 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.07.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.16384 of 2024

M.Subramanian

... Petitioner

vs.

1.The Secretary to Government,
Revenue and Disaster Management,
Secretariat, Chennai - 600 009.

2.The Additional Chief Secretary and
Commissioner of Revenue Administration,
Ezhilagam, Chepauk, Chennai - 600 005.

3.The District Collector,
Tiruchirappalli District,
Tiruchirappalli.

4.The Accountant General (A & E),
361, 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 first respondent i.e., the Secretary to Government, Revenue and Disaster Management



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Department, Chennai to sent revised pension proposals to the Accountant General (A and E), Chennai in respect of the petitioner counting 50% of service put in by him as Permanent Thalayari and the entire services put in by him as Village Assistant as per G.O.(3D)No. 9 Revenue Department introducing Tamil Nadu Village Assistant Pension Rules and the entire services put in by him in the cadre of Office Assistant within a specified time frame and the Accountant General (A and E), Chennai may also be directed to accept the proposals and sanction revised pension, within a stipulated time.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.N.Ramesh Arumugam
Government Advocate for R1 to R3

Mr.G.Karthik,
Standing Counsel for R4

ORDER

Heard Mr.S.Visvalingam, learned counsel appearing for the petitioner, Mr.N.Ramesh Arumugam, learned Government Advocate appearing for the respondents 1 to 3 and Mr.G.Karthik, learned Standing Counsel appearing for the fourth respondent.



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2. The petitioner has filed this writ petition seeking to direct the first respondent to send revised pension proposals to the Accountant General (A and E), Chennai counting 50% of service put in by him as Permanent Thalayari; entire services put in by him as Village Assistant as per G.O.(3D)No.9 Revenue Department, dated 28.02.2006 introducing Tamil Nadu Village Assistant Pension Rules; and the entire services put in by him in the cadre of Office Assistant within a stipulated time frame and the Accountant General (A and E), Chennai may also be directed to accept the proposals and sanction revised pension, within a stipulated time.

3. The petitioner claiming that he is entitled to calculate 50% of his service as Permanent Thalayari from 01.07.1985 to 31.05.1995 along with his services rendered as Village Assistant from 01.06.1995 to 28.03.2018 and Office Assistant from 28.03.2018 to 31.05.2019 for the purpose of pension, had given a representation to the second respondent on 11.10.2022. Since the representation of the petitioner has not been considered so far, he has filed this writ petition.



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4. In this regard, it is relevant to refer the order of the Principal Seat of this Court in W.P.No.18734 of 2020 and batch, wherein by order dated 18.03.2024, it is held as under.

"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 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 petitioner claims that he would fall under clause (ii) of the above findings and hence, he is entitled to the relief as prayed for.



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However, it is for the second respondent to consider the representation of the petitioner and pass appropriate orders.

6. In view of the same, the writ petition is **disposed of** and the second respondent is directed to consider the representation of the petitioner dated 11.10.2022 on merits especially in the light of the discussions and observations made in the order dated 18.03.2024 in W.P.No.18734 of 2020 and batch and pass appropriate order within a period of four weeks from the date of receipt of a copy of this order. No costs.

22.07.2024

NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order

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To
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- 2.The Additional Chief Secretary and
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R.N.MANJULA, J.

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