



W.P.(MD)No.17564 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.07.2024

CORAM:

**THE HONOURABLE MS.JUSTICE R.N.MANJULA**

W.P.(MD)No.17564 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.

4.The Tahsildar,  
Ettaiyapuram,  
Thoothukudi District.

... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the fourth respondent in Na.Ka.A4/2533/2018 dated 11.07.2024, quash the same and further direct the respondents to calculate the petitioner's pension as per Tamil Nadu Pension Rules, 1978 by considering the petitioner 50% of service as



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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 Administration Officer from 03.01.2017 to 31.05.2018 and consequently direct respondents to send revised pension proposals and grant revised pension to the petitioner within a specified time frame.

For Petitioner : Mr.A.Jayaramachandran

For Respondents : Mr.S.Shanmugavel  
Additional Government Pleader

### **ORDER**

Heard Mr.A.Jayaramachandran, learned counsel appearing for the petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader appearing for the respondents.

2. The petitioner has filed this writ petition seeking to quash the impugned order passed by the fourth respondent in Na.Ka.A4/2533/2018 dated 11.07.2024 and to direct the respondents to calculate his pension as per Tamil Nadu Pension Rules, 1978 by considering 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 as Village



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Administration Officer from 03.01.2017 to 31.05.2018 and to direct respondents to send revised pension proposals and grant revised pension to him within a specified time frame.

3. The petitioner was appointed as Thalaiyari at Nagampatti Village, Ottapidaram Taluk, Tuticorin District in the year 1983 and the said post was re-designated as Village Assistant with effect from 01.06.1995 as per the Government Order in G.O.Ms.No.625, Revenue Department, dated 06.07.1995. Thereafter, the petitioner was absorbed in the regular time scale of pay for Village Assistant and he served as Village Assistant till 02.01.2017. Subsequently, in pursuance of the order passed by the District Revenue Officer, Tuticorin dated 29.12.2016, the petitioner was promoted as Village Administrative Officer with effect from 03.01.2017 and he served till 31.05.2018, on which date he attained superannuation. The petitioner claims that 50% of his service as Village Assistant from 21.12.1983 to 31.05.1995 should be taken into consideration for calculation of his pension along with his regular service as Village Assistant from 01.06.1995 to 02.01.2017 and as Village



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Administrative Officer from 03.01.2017 to 31.05.2018. Since the fourth respondent vide the impugned order denied the same, he has filed this petition.

4. The very same issue cropped up in many writ petitions including the writ petition in W.P.(MD)No.18734 of 2020 and batch, wherein, after referring various Judgments of this Court and the Apex Court, this Court has issued the following directions.

***"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*



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*receipt of the copy of this order.*

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

5. In the light of the above position settled already, the respondents ought to have considered 50% of the services of the petitioner to be included in his qualifying regular service for the purpose of calculating his pensionary benefits.

6. In view of the same, the writ petition is **disposed of** and the impugned order passed by the fourth respondent in Na.Ka.A4/2533/2018 dated 11.07.2024 is quashed. The fourth respondent is directed to reconsider the issue 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 orders within a period of four weeks from the date of receipt of a copy of this order. No costs.

30.07.2024

NCC: Yes/No

Index : Yes/No

Speaking/Non-Speaking order

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R.N.MANJULA, J.

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