



WA(MD). No.897 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 05/08/2024

CORAM

**The Hon`ble Mr.Justice C.V.KARTHIKEYAN
and**

The Hon`ble Mr.Justice J.SATHYA NARAYANA PRASAD

**WA(MD). No.897 of 2018 and
WMP(MD) No.5784 of 2018 and 7776 of 2023**

1.The Secretary to Government
Revenue department
Secretariat
Chennai 600 009.

2.The Principal Secretary cum
Commissioner of Revenue Administration
Chepauk, Chennai.600 006.

... Appellants

Vs

1.S.Natarajan

2.The Senior Accounts Officer/pen26
O/o.Principal Accountant General
Accounts and Entitlements) Tamilnadu
No.361 Anna Salai, Chennai .

... Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent
against the order dated 25.10.2016 in WP(MD) No.14842/2013.



WA(MD). No.897 of 2018

For Petitioner : M/s.M.Senthil Ayyanar
Government Advocate

For Respondents : Mr.H.Arumugam for R1

Mr.P.Gunasekaran for R2

JUDGMENT

(Judgment of the Court was delivered by C.V.KARTHIKEYAN, J.)

Writ appeal has been filed by the first and 2nd respondents in WP(MD) No.14842/2013 questioning and challenging the order dated 25.10.2016 passed by the learned Single Judge.

2.The first respondent herein was the writ petitioner. In order to facilitate easier understanding, the parties will be referred in the same nomenclature as maintained in the writ petition.

3.The writ petition had been filed challenging an order of the third respondent Senior Accounts Officer, Office of the Principal Accountant General, Chennai, relating to a request of the writ petitioner for minimum pension with respect to the post which he held as Village Administrative



WA(MD). No.897 of 2018

Officer and to sanction minimum pension. That request of the writ petitioner was rejected, which necessitated the filing of the writ petition.

4. Even before proceeding further, the following dates would be required to be narrated to find out whether the writ petitioner will be eligible for the relief and whether the order under appeal should be sustained or not.

5. The writ petitioner was originally working as Karnam for a period of five months from 01.04.1980 till 30.08.1980. He was working at Ramalingapuram, Sankarankoil in Tirunelveli District. The post of Karnam/Village Headman was abolished by the Government on and from 14.11.1980. Questioning that particular order, those who had been affected, had filed writ petitions and the litigations went upto the Hon'ble Supreme Court. Finally, it was held that those who had lost their position as Karnam could be absorbed as Village Administrative Officer. The crucial date was 14.11.1980.



WA(MD). No.897 of 2018

6. The Government, thereafter, passed G.O.Ms.No.391 dated 19.07.1999, wherein, they had taken a policy decision about re-employment of those who had lost their posts as Village Karnam and Village Administrative Officers. They had been divided into three categories:

- First were those who were working as village Karnams on the date when the said post was abolished. A direction was given to the effect that they could be absorbed as Village Administrative Officers;
- The second were those who did not have the necessary and requisite educational qualification to hold the post of Village Administrative Officer, but who were working as Village Karnam. They were given two years time to obtain the requisite educational qualifications; and
- There was a third category, ie., those who were not at all working as Village Karnam as on 14.11.1980, but had functioned as Karnam. Taking into consideration the vacancies which would still arise in the post of Village Administrative Officer, a decision was taken through the said Government order that even those who were



WA(MD). No.897 of 2018

WEB COPY

not actually in service as Karnam as on 14.11.1980 could also be absorbed as Village Administrative Officers.

7. Under the third category, the writ petitioner was absorbed as Village Administrative Officer on 03.11.2000 and he functioned as Village Administrative Officer at Therku Kuruvikulam Village, Sankarankoil. He retired from service on 30.06.2010. Thereafter, he gave a representation seeking minimum pension. An objection had been raised on behalf of the respondent, even before the learned Single Judge, that the petitioner was not entitled for minimum pension, since he was not working as Village Karnam as on 14.11.1980. A further objection was also raised that those who had not completed 10 years of service would not be eligible for grant of minimum pension. The same grounds are also urged before this Court by the learned counsel for the appellants. The learned Single Judge had brushed aside those grounds and had proceeded to grant relief to the petitioner herein.

8. On behalf of the appellants, the learned Government Advocate once again drew notice of this Court to the fact that the petitioner was not



WA(MD). No.897 of 2018

working as Village Karnam as on 14.11.1980 and therefore, he was not eligible for grant of minimum pension. It was also stated that he had put in less than 10 years of service and therefore, even if his case is to be considered, he would not be eligible for grant of minimum pension. But, unfortunately, for the appellants, G.O.Ms.No.391 dated 19.07.1999, stares in the face of the grounds urged. By the said Government order, a policy decision had been taken to absorb those who were not working as Village Karnam as on 14.11.1980, provided, there were vacancies in the post of Village Administrative Officers.

9. The very fact that the petitioner was granted posting at Therku Kuruvikulam in Sankarankoil on 03.11.1980 would show that there was actually a vacancy. Therefore, the petitioner was lawfully appointed as Village Administrative Officer.

10. The other aspect is whether the petitioner would be eligible for minimum pension. A perusal of G.O.Ms.No.148 Revenue Department dated 20.04.2011 would show that the Government had extended the benefit of minimum pension to all Village Administrative Officers, not



WA(MD). No.897 of 2018

only to those who had approached the Court but also to those who were bystanders and were watching the Court proceedings. This was irrespective of the period of service which they discharged as Village Administrative Officer.

11. The learned Single Judge had also taken a further ground, namely, by calculating the service of the petitioner as Karnam and also as Village Administrative Officer and had returned a finding of fact that if both the services were taken into consideration, the petitioner completed more than 10 years.

12. Therefore, viewed from any angle, we are of the considered opinion that there are no grounds to upset the order of the learned single Judge.

13. It must be pointed out that the petitioner, at a time, when the emoluments were minimum, had discharged noble service as Village Karnam and subsequently, as Village Administrative Officer. Such service should be appreciated.



WA(MD). No.897 of 2018

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14. We find no merits in the writ appeal. The writ appeal is dismissed. No costs. Consequently connected Miscellaneous Petitions are closed.

(C.V.K.,J.) (J.S.N.P.,J.)
05.08.2024

RR

TO

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