



W.P.(MD) No.22864 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.22864 of 2019

G.Mariappan

... Petitioner

-VS-

1.The State of Tamil Nadu
rep.by its Secretary to Government
Revenue Department
Fort St.George, Chennai-9

2.The Principal Accountant General (A&E)
Tamil Nadu Circle
361, Anna Salai
Teynampet, Chennai-18

3.The District Collector
Virudhunagar District
Virudhunagar

4.The Tahsildar
Sathur Taluk
Virudhunagar District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records pertaining to the order passed by the fourth respondent in Na.Ka.No.A4/303/2018 dated



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WEB C 06.02.2018 quash the same and consequently direct the respondents to count half of the service rendered by the petitioner in the post of Village Headman from 02.04.1979 to 08.08.1982 in Sathur Taluk, Virudhunagar District along with his regular service rendered by the petitioner in the posts of Village Administrative Officer, Junior Assistant and Assistant from 09.09.1982 to 30.09.2010 for the purpose of revised full pension and consequently direct the respondents to pay revised pension together with arrears along with interest at the rate of 18 percent per annum.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.G.Suriya Ananth
Addl. Government Pleader for R1, R3 & R4
Mr.P.Gunasekaran for R2

ORDER

This writ petition has been filed challenging the impugned order, dated 06.02.2018, passed by the fourth respondent, rejecting the petitioner's request to count half of the service rendered by him in the post of Village Headman from 02.04.1979 to 08.08.1982 in Sathur Taluk, Virudhunagar District, along with the regular service rendered by him in the posts of Village Administrative Officer, Junior Assistant and Assistant from 09.09.1982 to 30.09.2010 for the purpose of revising his pension and consequently to direct



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the respondents to pay revised pension together with arrears along with interest at the rate of 18% per annum.

2. It is now brought to the notice of this Court by the learned Standing Counsel appearing for the second respondent that the law, with regard to the petitioner's claim, is now well settled by a decision of the Honourable Division Bench of this Court in the case of ***State of Tamil Nadu vs. E.Balachandran***, reported in ***(2021) 3 MLJ 92***. According to him, in the said decision, it has been held that the services rendered by the Village Officers / Karnams prior to the change of their status as Full Time Government Servants cannot be counted for the purpose of calculating pension, since the said posts held by them prior to the regularization were part-time posts and the said posts were also abolished.

3. Learned Standing Counsel appearing for the second respondent would further submit that the case on hand is also one such a case, where the petitioner was working as a Village Headman prior to his selection as Village Administrative Officer. The post of Village Headman was also abolished with effect from 14.11.1980 as was the case of Village Karnams.



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4. The case on hand is identical with the facts of the case involved in the decision rendered by the Honourable Division Bench of this Court, referred to supra. The petitioner, in the instant case, claims for a direction to the respondents to count half of the service rendered by him in the post of Village Headman from 02.04.1979 to 08.08.1982, which is prior to the date of his regularization. As per the aforementioned decision of the Honourable Division Bench of this Court, the petitioner is not entitled to be paid revised pension by counting half of the service rendered by him in the post of Village Headman from 02.04.1979 to 08.08.1982 in Sathur Taluk, Virudhunagar District along with the regular service rendered by him in the posts of Village Administrative Officer, Junior Assistant and Assistant from 09.09.1982 to 30.09.2010 for the purpose of revising his pension amount. The Honourable Division Bench, in the aforementioned decision, has made it very clear that Rule 11(a) read with Rule 2(o) of the Tamil Nadu Pension Rules, 1978, is not applicable to the services of Talaiyaris, being in non-pensionable establishment and part-time and that too not in a cadre post. The posts of Talaiyari and Village Headman are similar. Therefore, since the petitioner would have continued the status of part-time only till the date of his regularization of service in the post of Village Administrative Officer, it was not open to him to seek for a direction to count half of the service rendered by



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him in the post of Village Headman from 02.04.1979 to 08.08.1982 in Sathur Taluk, Virudhunagar District, along with the regular service rendered by him in the posts of Village Administrative Officer, Junior Assistant and Assistant from 09.09.1982 to 30.09.2010 for the purpose of revising his pension.

5. For the foregoing reasons, this Court is of the considered view that there is no infirmity in the impugned order, dated 06.02.2018, passed by the fourth respondent. Accordingly, there is no merit in this writ petition and the same is, therefore, dismissed. No costs.

09.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To:

- 1.The Secretary to Government,
Revenue Department,
State of Tamil Nadu,
Fort St.George, Chennai-9.
- 2.The District Collector,
Virudhunagar District,
Virudhunagar.
- 3.The Tahsildar,
Sathur Taluk,
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ABDUL QUDDHOSE, J.

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