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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2025

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No. 3813 of 2025

And

W.M.P.Nos. 4222 & 4221 of 2025

P.M.Loganathan

... Petitioner

..Vs..

1. The State of Tamilnadu
Rep. by its Chief Secretary
Revenue and Disaster Management Department
Fort St. George
Chennai – 600 009.
2. The Additional Principal Secretary
/Commissioner of Revenue Administration
Ezhilagam
Chepuak,
Chennai – 600 005.
3. The Accountant General (Accounts and Entitlements)
Office of the Accountant General
(Accounts and Entitlements) Tamilnadu
361, Anna Salai,
Teynampet
Chennai – 600 018.
4. The District Collector



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Dharmapuri District,
Dharmapuri.

5. The District Revenue Officer
Dharmapuri District
Dharmapuri.
6. The Revenue Divisional Officer
Dharmapuri District,
Dharmapuri.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus to call for the records relating to the impugned G.O.Ms.No. 517 (Revenue and Disaster Management, Services (Service 8(2)) Department dated 29.11.2024 issued by the first respondent and the consequential order of the sixth respondent dated 14.12.2024 in Na.Ka.No. 6914/2024/A1 in respect of the petitioner is concerned and to quash the same, consequently, direct the respondents to restore the pension of the petitioner with all arrears and monetary emoluments.

For Petitioner :: Mr. C.Prabakaran

For RR 1, 2, 4 & 6 :: Mr. V.Nanmaran
Additional Government Pleader

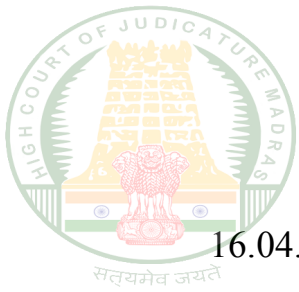
For 3rd Respondent :: Mr. P.M.Loganathan
& Mrs. J.Sree Vidhya

ORDER



WEB COPY The Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking records relating to the impugned G.O.Ms.No. 517 (Revenue and Disaster Management, Services (Service 8(2)) Department dated 29.11.2024 issued by the first respondent and the consequential order of the sixth respondent dated 14.12.2024 in Na.Ka.No. 6914/2024/A1 in respect of the petitioner is concerned and to quash the same, consequently, direct the respondents to restore the pension of the petitioner with all arrears and monetary emoluments.

2. In the affidavit filed in support of the Writ Petition, it had been contended that the petitioner was working as Village Administrative Officer even prior to 14.11.1980 under the Revenue Department. Thereafter, his services were disengaged. He was then reappointed as Village Administrative Officer by the order of the District Revenue Officer, Tiruvnelveli in Na.Ka.No.3141/2000 dated 27.03.2001 and was posted at Cheranmahadevi Revenue Division. An order of appointment was also issued by the District Revenue Officer, Tirunelveli at Cheranmahadevi to be posted ZaminSingampatti Zone-II in Na.Ka.No.(A5) 11128/2000 dated

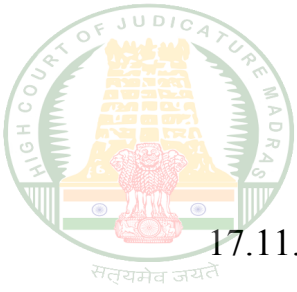


16.04.2001.

WEB COPY 3. The petitioner claims that he had assumed charge on 18.04.2001 and had been discharging duties as Village Administrative Officer. This fact has also been entered in the service register with endorsement by the Tahsildar, Ambasamudram. The petitioner was then brought into regular service by G.O.D.No. 527 Revenue Pani – 7(1) Department dated 16.04.2004 with effect from 18.04.2001.

4. Even before proceeding with the facts of the case, it must be stated that this fact of the petitioner's service being brought into regular service from 18.04.2001 had been verified by this Court by examining the service register of the petitioner herein. The petitioner had retired on attaining the age of superannuation on 30.09.2008. This would effectively mean that he had discharged duty for a period of 7 years and about 5 months and a few days. Naturally, since he had not completed 10 years of service, he was not entitled for pension. But however, the petitioner claims that he is entitled for minimum pension in accordance with G.O.Ms.No. 148 dated 20.04.2011.

5. In the said G.O.Ms.No. 148 dated 20.04.2011 though the name of the petitioner was given his date of appointment was wrongly mentioned as



17.11.2005 which was the date on which he was regularised but he had actually been brought into regular service on and from 18.04.2001. It is to verify that particular fact that the service register had also been verified. The petitioner therefore is entitled for minimum pension.

6. In the impugned Government Order in G.O.Ms.No. 517, (Revenue and Disaster Managerial, Services (Service 8(2)) Department dated 29.11.2024, the date of joining of the petitioner as Village Administrative Officer had been given as 17.11.2005, which is wrong even according to the order directing the petitioner into regular service on and wrong even according to his own service register. The petitioner should be considered as having been brought into regular service and from the payment of initial appointment, namely, 27.03.2001. He is entitled for minimum pension to be calculated on and from that date. He had been granted the minimum pension but in view of the introduction of G.O.Ms.No. 517 dated 29.11.2024, the minimum pension had been stopped by the respondents. That is not correct.

7. A direction is given to the respondents to pay minimum pension to the petitioner in accordance with the rules and regulations. The petitioner is also entitled for payment of the arrears on and from the date when the said payment of minimum pension had been stopped by the respondents. The



arrears should be paid within a period of three months from the date of receipt of a copy of this order. The minimum pension must be referred to be paid to the petitioner within a period of three months from the date of receipt of a copy of this order.

8. The Writ Petition stands allowed. The impugned order in G.O.Ms.No. 517 dated 29.11.2024 is quashed in so far as the petitioner P.M.Loganathan, whose name is found in Serial No.11 alone is concerned to the limited extent of the date of joining which has been given, namely, 17.11.2005 which should actually been 27.03.2001. The consequential order dated 14.12.2024 is also quashed and the respondents are directed to issue grant of pension to the petitioner as directed within a period of three months from the date of receipt of a copy of this order. W.M.P.No. 4221 of 2025 stands ordered as prayed for. W.M.P.No. 4222 of 2025 stands closed. No order as to costs.

20.03.2025

vsg

Index: Yes/No

Internet: Yes/No

To

1. The Chief Secretary
The State of Tamilnadu



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C.V.KARTHIKEYAN, J.,

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