



W.P.No.17882 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2025

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P.No.17882 of 2019
and W.M.P.No.17289 of 2019

K.R.Devaraj,
S/o. Ramasamh,
Sub Inspector of Survey (Retd.)
Department of Survey and Land Records,
Vellore District,
Vellore.

... Petitioner

Vs.

1. The Principal Commissioner & Director of Survey & Settlement,
Survey House, Chepauk,
Chennai – 600 005.
2. The Additional Director of Survey & Land Records,
Survey House, Chepauk,
Chennai – 600 005.
3. The Assistant Director of Survey & Land Records,
Collectorate,
Vellore – 9.
4. The Principal Accountant General,
O/o. The Accountant General (A&E),
No.361, Anna Salai,
Teynampet,
Chennai – 600 018.



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5. The Superintendent of Posts Offices,
Thirupattur Division, Thirupattur.

... Respondents

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(R5 impleaded as per order dated 04.10.2024 in W.M.P.No.30532/2019 in W.P.No.17882/2019)

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of certiorarified mandamus to call for the records relating to the impugned proceedings by the 2nd respondent in Na.Ka. Pa4/ 39777/ 2018 (Ni.A) dated 08.02.2019 and to quash the same and consequently directing the respondents to reckon the period of service rendered by the petitioner as Branch Post Master in Indian Postal Department for the period from 23.02.1978 to 16.03.1983 as pensionable service for the purpose of granting pension under Tamil Nadu Pension Rules and consequently disburse the pensionary benefits to the petitioner including other retirement benefits along with interest.

For Petitioner	:	Mr.S.Nedunchezhiyan
For R1 to R3	:	Mr.T.Chezhian Additional Govt. Pleader
For R4	:	Mr.Hema Murali Krishnan SSC



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ORDER

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The writ petition has been filed challenging the records relating to the impugned proceedings by the 2nd respondent in Na.Ka. Pa4/ 39777/ 2018 (Ni.A) dated 08.02.2019 and consequently to direct the respondents to reckon the period of service rendered by the petitioner as Branch Post Master in Indian Postal Department for the period from 23.02.1978 to 16.03.1983 as pensionable service for the purpose of granting pension under Tamil Nadu Pension Rules and consequently disburse the pensionary benefits to the petitioner including other retirement benefits along with interest.

2. The petitioner was initially appointed as Branch Post Master on 23.02.1978 and rendered his service from 23.02.1978 to 16.03.1983 and joined in the post of Surveyor in Tamil Nadu State Service on 18.03.1983 without any break in service. The petitioner has also got the permission of the Postal Department after securing the appointment in the State service and thereafter he was relieved on 16.03.1983. The petitioner attained the age of superannuation on 31.05.2016 and he was allowed to retired with effect from the said date. Now the petitioner claims that under Rule 12 (4)(a)(i) &(ii) of amended Tamil Nadu Pension Rules, 1978, he is entitled to count his qualifying service rendered under the Central Government Service for the grant

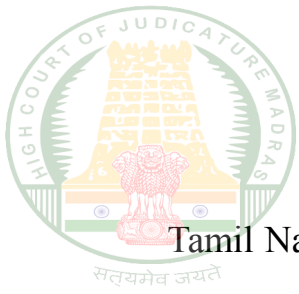


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of pension by the Government from where he eventually retires. As per the said Rule, if a person is retrenched from the services of the Central Government and secures an employment under the State Government with or without interruption of service or if a person who is holding a temporary post under the Central Government applies to a post under the State Government through proper channel or with proper permission of the administrative authority concerned, are eligible to get their qualifying services rendered under the Central Government to be counted for the purpose of pensionary benefits. So, as per the above Rule, the petitioner claims that he is entitled to count his services rendered in the Central Government as per the above Rule.

3. However the learned Additional Government Pleader submitted that the petitioner is not entitled to count his services for the pensionary benefits in accordance with Rule 12 (4)(a)(i) &(ii) of amended Tamil Nadu Pension Rules.

4. In fact the petitioner has given a representation to the second respondent and for which he was asked to furnish certain clarification. It is stated in the impugned order that the entitlement of pensionary benefits can be claimed by an individual only from the department where he worked. The impugned order dated 08.02.2019 does not make any reference to the amended



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WEB Tamil Nadu Pension Rules either in order to allow or deny the benefit claimed by the petitioner. As the impugned order has not been passed by invoking Rule Rule 12 (4)(a)(i) &(ii) of amended Tamil Nadu Pension Rules and it has been passed in a generalised manner, the same is liable to be quashed. However, the petitioner is under the obligation to produce relevant records sought by the second and third respondent to consider his representation under the Rules.

5. In view of the above observation, the writ petition is disposed and the impugned order passed by the second respondent in Na.Ka. Pa4/ 39777/ 2018 (Ni.A) dated 08.02.2019 is hereby quashed and the petitioner is at liberty to give a fresh representation to the second and third respondents within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same the second and third respondents shall consider the same in the light of Rule 12 (4)(a)(i) & (ii) of amended Tamil Nadu Pension Rules and pass appropriate orders on merits and in accordance with law, within a period of four weeks thereafter. No costs. Connected miscellaneous petition is closed.

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Index : Yes/No

Neutral citation : Yes/No

Speaking Order/Non-Speaking Order

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R.N.MANJULA, J.

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To:

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