



WEB COPY

W.A.No.1980 of 2025



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2025

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE K.SURENDER**

W.A.No.1980 of 2025

R.Palanisamy

...

Appellant

versus

1.The Government of Tamil Nadu,
Represented by its Secretary,
Revenue Department,
Fort St.George, Chennai - 600 009.

2.The Special Commissioner &
Commissioner for Revenue Administration,
Chepauk, Chennai - 600 005.

3.The District Collector,
Erode, Erode District.

4.The Principal Accountant General,
No.361, Anna Salai,
Chennai - 600 018.

...

Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order passed in W.P.No.18390 of 2023 dated 08.04.2025.

For Appellant : Mr.K.Raja

For Respondents : Mr.John J.Raja Singh
Additional Government Pleader - R1 to R4



JUDGMENT

(Judgment of the Court was made by **R.SUBRAMANIAN, J.**)

Challenge in this appeal is to the order of the learned single Judge made in W.P.No.18390 of 2023 dated 08.04.2025.

2. The prayer of the appellant in the writ petition was for a certiorarified mandamus, to call for the records relating to G.O.(Ms.)No.158 Revenue Department dated 08.04.2015 insofar as it denies him minimum pension w.e.f. 01.11.2009 and to direct the respondents to pay him minimum pension w.e.f. 01.11.2009 since he was superannuated on 31.10.2009.

3. The appellant was a Village Administrative Officer and he served in the capacity as Village Headman of Kuppandampalayam Village for a period from 21.05.1974 to 31.12.1974. The post of Village Headman was abolished by an Act of the State Legislature w.e.f. 14.11.1980. Considering the plight of those persons who had lost their jobs, the State Administrative Tribunal issued certain directions to the Government to re-employ them subject to their having the required educational qualification.



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4. Upon the directions of the State Administrative Tribunal, the Government framed certain guidelines and accommodated those persons who had the necessary qualifications for being appointed as Village Administrative Officers. These persons were reappointed sometime in the year 2001 and they served till attaining the age of superannuation. Many of them did not have the qualifying service for receiving pension.

5. Therefore, the Government issued G.O.(Ms.)No.756 Revenue Department dated 17.08.1993 sanctioning minimum pension and restricting the benefit to those who lost their jobs on 14.11.1980. By a subsequent Government Order, i.e. G.O.(Ms.)No.158 Revenue Department dated 08.04.2015, the Government widened the net and sanctioned minimum pension to all those persons who were reappointed pursuant to the orders of the State Administrative Tribunal, even though they have not completed the qualifying years of service, by relaxing Rule 43 of the Tamil Nadu Pension Rules, 1978. However, the Government Order said that the minimum pension would be paid only from the date of the Government Order, namely 08.04.2015.

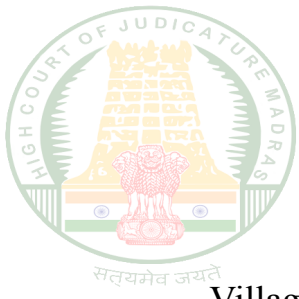
6. It is not in dispute that the petitioner was granted a minimum pension w.e.f. 08.04.2015. The petitioner is aggrieved by the part of the



Government Order which restricts the entitlement from the date of the Government Order and not from the date of the retirement. The learned single Judge dismissed the writ petition on the ground that the benefit conferred under G.O.No.158 dated 08.04.2015 was only an additional benefit and it would be open to the Government to determine the date from which it would operate. The learned single Judge held that there is no vested right that had accrued to the petitioner to claim the benefits from an anterior date as opposed to the specific language of the Government Order. Aggrieved, the appellant has come up with this appeal.

7. Mr.K.Raja, learned counsel appearing for the appellant would vehemently contend that the conditions relating to the sanction of pension stood relaxed even under G.O.No.756 dated 17.08.1993. Therefore, the question of relaxation will not arise.

8. We are unable to countenance the said submission. G.O.No.756 dated 17.08.1993 was only restricted to those persons who had lost their jobs on 14.11.1980 and it directed that their period of qualifying service will be treated as commencing from 14.11.1980 irrespective of their actual re-appointment. This would only apply to those persons who were working as on 14.11.1980.



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9. However, considering the demands of the Association of these Village Administrative Officers, the Government came up with G.O.No.158 dated 08.04.2015 thereby extending the benefits to those persons who were not in service on 14.11.1980 also. While extending the said benefits to the persons who admittedly did not possess the required minimum qualifying service under the Tamil Nadu Pension Rules, the Government relaxed Rule 43 and directed that they be paid minimum pension from the date of issuance of the Government Order.

10. The grant was made in favour of the persons who are similarly situated as the appellant for the first time under G.O.No.158. It is very well open to the Government to prescribe the date from which the Government Order will operate. The Government had taken a conscious policy decision that the Government Order will operate only from the date of its issuance and minimum pension will be paid to those persons covered by the Government Order.

11. We do not think this Court can interfere with the said discretion of the Government and the learned single Judge cannot be faulted for having dismissed the writ petition. The Writ Appeal therefore fails and it is

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accordingly *dismissed*. No costs.

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(R.S.M., J.) (K.S., J.)
03.07.2025

Speaking order

Index : No

Neutral Citation : No

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To

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